RR OVERPASS - CUT BANK

STPS 213-1(12)0 CN 4158

Environmental Assessment

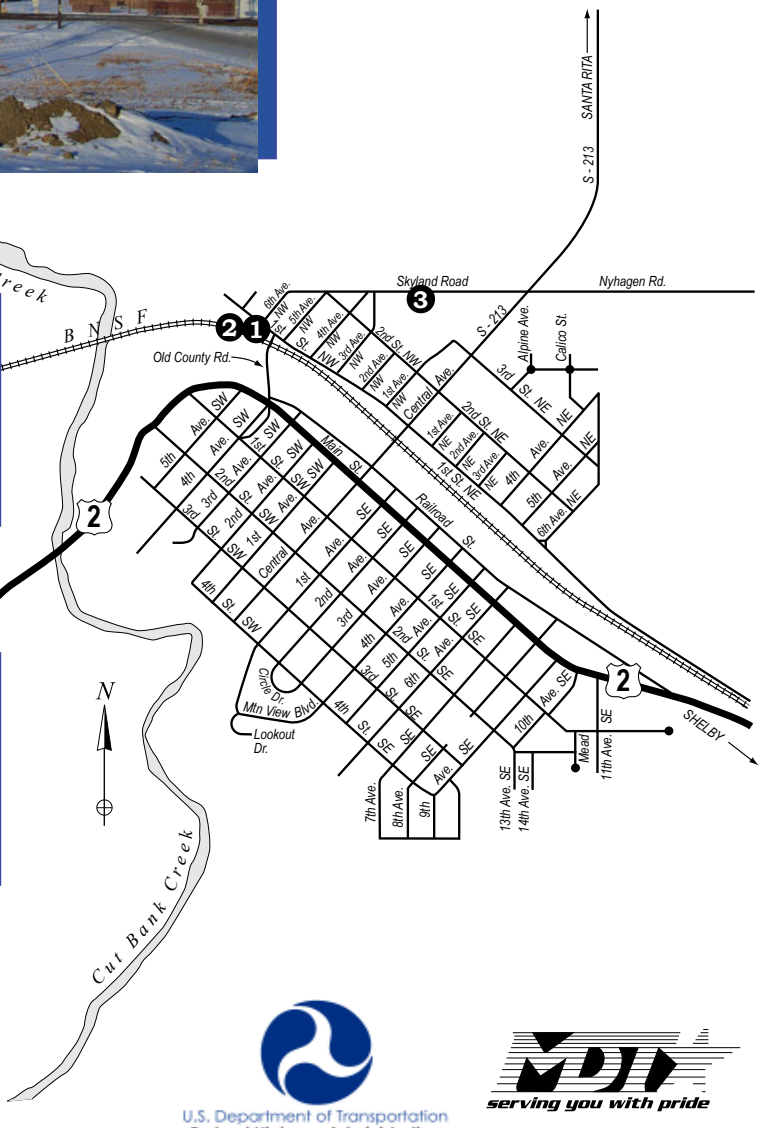
March 2007

Cut Bank, Montana

1 Proposed location for Cut Bank Overpass.

2 BNSF train near proposed overpass location.

3 Existing Skyland Road, looking west.



U.S. Department of Transportation
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Environmental Assessment

RR Overpass - Cut Bank

STPS 213-1(12)0; CN 4158

In Cut Bank, Glacier County, Montana

This document is prepared in conformance with the Montana Environmental Policy Act (MEPA, 75-1-201 M.C.A.) requirements and contains the information required for an Environmental Assessment under the provisions of ARM 18.2.237(2) and 18.2.239. This document is also prepared in conformance with the National Environmental Policy Act (NEPA, 42 U.S.C 4231, et seq.) requirements for an Environmental Assessment under 23 CFR 771.119.

Submitted pursuant to 42 U.S.C. 4332(2)(c), 49 U.S.C. 303, Sections 75-1-201 and 2-3-104, M.C.A. and Executive Orders 11990, 11988, and 12898 by the

U.S. Department of Transportation, Federal Highway Administration
and the
Montana Department of Transportation

Cooperating Agencies
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

Submitted by: Jean A. Riley Date: MAR 06 2007
Montana Department of Transportation
Environmental Services Bureau

Reviewed and Approved for Distribution: Robert J Seliskar Date: Mar 7, 2007
U.S. Department of Transportation
Federal Highway Administration

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PROJECT ABSTRACT AND LOCATION:

The project is located on State Secondary Highway 213 in Cut Bank, Glacier County, Montana. The purpose of the project is to provide continuous and safe travel through the northern portion of Cut Bank for the traveling public, school buses, emergency service vehicles, and farm-to-market traffic.

This document may be viewed on the MDT webpage, www.mdt.mt.gov/pubinvolve/eis_ea.shtml.

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Environmental Assessment

March 2007

Glacier County, Montana

MDT Project Number
STPS 213-1(12)0 CN 4158

Prepared for:

Montana Department of Transportation
2701 Prospect Avenue
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Metric Conversion

This document reflects both English and metric units side by side where appropriate to assist the reader. The metric unit is shown first followed by the English unit in parentheses. Corresponding values have been rounded off for convenience. For example: 13.7 kilometers (km) (8.5 miles [mi]). The following is a brief summary of the conversion factors and units used in this document:

Metric Units	**English Units**	**Conversion Factor** *(Metric to English)*	**Conversion Factor** *(English to Metric)*
centimeter (cm)	inch (in)	1.0 cm = 0.3937 in	1.0 in = 2.54 cm
meter (m)	foot (ft)	1.0 m = 3.2808 ft	1.0 ft = 0.3048 m
kilometer (km)	mile (mi)	1.0 km = 0.6214 mi	1.0 mi = 1.6093 km
hectare (ha)	acre (ac)	1.0 ha = 2.471 ac	1.0 ac = 0.4046 ha

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Summary

The Montana Department of Transportation (MDT) proposes to reroute State Secondary Highway 213 (S-213) from its current alignment along Central Avenue to a more northwestern location in the City of Cut Bank, Montana (Figure 1.1). The project would include intersection improvements at US Highway 2 (US 2), an overpass over the existing Burlington Northern Santa Fe Railway (BNSF) tracks, Improvements to existing Skyland Road and a transition into existing S-213/Central Avenue.

The proposed project is being developed in response to three main needs. First, trains frequently block at least one of the three railroad crossings that serve the town. Those blocked crossings can affect mobility and delay travel, including emergency response vehicles. Second, the existing at-grade crossings present potential safety concerns to motorists, pedestrians, school buses and emergency response vehicles. Third, the community is basically divided by the railroad tracks, which results in out-of-direction travel when trains are present.

The purpose of the proposed Cut Bank Overpass project is to address those needs by providing continuous and safe travel through the northern portion of Cut Bank. The following objectives have been identified to address the need to improve safety and mobility:

- Reduce potential motorist and pedestrian conflicts at railroad crossings,
- Improve emergency response time,
- Reduce travel delays caused by roadway blockages due to train activity,
- Provide a continuous travel route through Cut Bank, and
- Reduce out-of-direction travel caused by trains blocking railroad tracks.

Each alternative was evaluated based on criteria measuring the extent to which those objectives could be met.

ALTERNATIVES

No Build Alternative

Under the No Build Alternative, existing S-213 would remain as a two-lane road on its current alignment on Central Avenue. Existing Skyland Road would remain in its current location and condition with no shoulders, curbs, gutters or sidewalks. The western portion of Skyland Road is paved and the eastern portion is gravel. The three existing at-grade railroad crossings serving Cut Bank would remain in place and Old County Road would continue to provide a route for traffic to travel north from US 2. The No Build Alternative is shown in Figure 1.1.

Except for improvements introduced by MDT's Cut Bank West project, there would be no change in safety, access or roadway conditions in the No Build Alternative. The No Build Alternative does not meet the purpose and need for the proposed project for safety or mobility but is retained as a baseline for comparison to the Build (Preferred) Alternative.

Build (Preferred) Alternative

The Build (Preferred) Alternative, which is depicted in Figure 2.4, would reroute S-213 from Central Avenue to a more northwestern location, extending from a western terminus at a new intersection

with US 2 near existing 5th Avenue SW and US 2. The new S-213 alignment would cross the BNSF Railway tracks on a new overpass west of Old County Road and 6th Avenue NW. The railroad tracks would remain at grade. From the vicinity of 6th Avenue NW, the new S-213 would curve east and transition into the existing Skyland Road corridor (County Road 462). The new S-213 would continue east along the Skyland Road alignment and tie into existing S-213/Central Avenue corridor north of Nyhagen Road along 6th Avenue NE.

The western terminus of the Build (Preferred) Alternative would tie into the adjacent MDT Cut Bank West project. The Cut Bank West project includes roadway improvements in the vicinity of the "Y" intersection at 4th Avenue SW, US 2/Main Street, Railroad Street and Old County Road and is funded separately from the proposed overpass.

Old County Road would be disconnected from US 2, although access to Railroad Street would be maintained. Additional ROW would be needed to provide adequate vehicle turning distances for a new US 2/Railroad Street. That acquisition would require relocation of the existing car wash located on the triangular block between US 2/Main Street and Railroad Street.

At the new US 2/S-213 intersection, proposed S-213 would include a southbound through/right turn lane, a separate left turn lane, and one northbound through-lane. Beginning north of this new intersection, S-213 would include two through-lanes, two shoulders (approximately 1.5 m (5.0 ft)), and curbs, gutters and a sidewalk on the south side. The existing at-grade railroad crossing on Old County Road would be eliminated.

The rear access drive from Albertsons loading dock eastward to Old County Road would be spanned by the proposed S-213 railroad overpass and would remain as it exists today. The overpass span and elevated approaches would traverse eastward toward Skyland Road and transition into the alignment north of the existing Skyland Road centerline. That northerly shift in the alignment would move the roadway slightly away from the adjacent neighborhood for several blocks (from 5th Avenue NW to 3rd Avenue NW). To eliminate the intersection with Skyland Road, 5th Avenue NW and 2nd Street NW would be reconfigured. However, the 5th Avenue NW and 2nd Street NW connection would remain in place to provide circulation and emergency vehicle access within the neighborhood. The Central Avenue intersection and local roadway access in the vicinity of Nyhagen Road would be accommodated by converting portions of the existing highway into local county roads.

The Build (Preferred) Alternative would improve safety, provide an uninterrupted travel route across town to improve mobility, minimize or avoid impacts to resources, could be constructed for a reasonable cost, and to the extent practicable would meet MDT design criteria. Expected environmental impacts resulting from the Build (Preferred) Alternative would not be substantial and would largely be mitigated. Anticipated impacts and proposed mitigation measures are described in Table S.1. Resources that are not impacted by the Build (Preferred) Alternative are not included in this table.

Table S.1 Summary of Impacts and Mitigation

Topic	Build (Preferred) Alternative Impacts	Mitigation
Transportation	Changes in traffic patterns and some out-of-direction travel could result from shifting the existing S-213 to the Build (Preferred) Alternative alignment and from closure of a portion of Old County Road.	MDT will coordinate with adjoining property owners during final design to discuss issues and identify access plans. As part of an overall signage plan in accordance with the "Manual of Uniform Traffic Control Devices" and MDT's policies and practices, signage will be installed to direct southbound S-213 travelers to the Cut Bank business district via Central Avenue and the new overpass.

Table S.1 Summary of Impacts and Mitigation (continued)

Topic	Build (Preferred) Alternative Impacts	Mitigation
Vegetation	Minor decrease in vegetative cover. Potential increase in noxious weeds.	Disturbed areas within MDT right-of-way or easements will be revegetated with desirable plant species, as recommended and determined feasible by the MDT Botanist.
Wildlife and Fisheries	Minor impact to terrestrial resources. No impact to aquatic resources.	No mitigation is required.
Water Resources and Water Quality	Several wells may be relocated.	No additional mitigation is required.
Solid Waste/ Hazardous Materials	The proposed overpass construction may impact several potential sites, including the solid waste fill site south of the BNSF Railway right-of-way near Albertson's; the Alme Construction AST site on S-213/Central Avenue, just north of 3rd Street NE; and the railroad right-of-way.	In accordance with MDT Standard Specifications, if contaminated soils or hazardous materials are encountered, excavation and disposal will be handled in compliance with applicable federal, state, and local regulations.
Social/ Community/ Economic	Businesses may experience indirect access impacts due to changed travel patterns, resulting in out-of-direction travel or potential change in driveways. Because traffic will likely divert to the new S-213 alignment, there may be some economic impacts to commercial sales for a few "non-destination" businesses located on Central Avenue.	As part of an overall signage plan in accordance with the "Manual of Uniform Traffic Control Devices" and MDT's policies and practices, signage will be installed to direct southbound S-213 travelers to the Cut Bank business district via Central Avenue and the new overpass.
Visual	Moderate impacts to views from 5th and 6th Avenues NW and from 1st Street due to the new overpass.	No mitigation is required.
Right-of-Way and Relocations	Conversion of approximately 6.9 ha (17.0 ac) of additional right-of-way. Two residential relocations/acquisitions may occur north of Skyland Road. The carwash property located on the intersection of US 2 and Main Street will be acquired.	Acquisition of land or property and relocations will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646 as amended), (42 U.S.C. 4601, et. seq.) and the Uniform Relocations Act Amendments of 1987 (P.L. 100-17). Easements will be obtained according to 49 CFR, Part 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended to provide just compensation for and rehabilitation of temporary construction easements. Impacted fences will be replaced or relocated in consultation with the property owner.
Utilities	Utility relocations including power lines, telephone lines, fiber optic cable lines and underground gas lines.	In accordance with MDT Standard Specifications, utility companies will be contacted to coordinate activities to avoid or minimize disruption to service.

Table S.1 Summary of Impacts and Mitigation (continued)

Topic	Build (Preferred) Alternative Impacts	Mitigation
Construction Impacts	**Transportation**: Residents and businesses in the project area may experience short-term delays, detours, and/or access limitations related to construction activities.	**Transportation**: Early notification to and coordination with adjacent property owners will facilitate proactive management of potential construction impacts. In accordance with MDT Standard Specifications, a construction traffic management plan will be developed and implemented. Reasonable access to homes and businesses will be provided during construction.
	Vegetation: Loss of vegetation and potential increase in noxious weeds because of additional area of disturbance.	**Vegetation**: In accordance with MDT Standard Specifications, clearing and grubbing of vegetation within MDT right-of-way and/or construction limits will be limited to that needed to construct the project. Disturbed areas within MDT right-of-way or easements will be revegetated with desirable plant species, as recommended and determined feasible by the MDT Botanist.
	Air quality: Air quality impacts due to construction could include short-term increases in fugitive dust and mobile source emissions from construction equipment and vehicles queuing from construction delays.	**Air quality**: Contractors will be required to adhere to applicable regulations and employ appropriate Best Management Practices (BMPs) to minimize emissions. The construction traffic control plan will minimize disruption of traffic and associated engine idle time, which will minimize potential vehicle emissions.
	Water Resources/Wetlands: Sedimentation from temporary ground disturbance during construction activities could impact water quality in downstream locations.	**Water Resources/Wetlands**: As appropriate, an erosion control and sediment plan will be prepared and maintained in compliance with CWA Section 402 /Montana Pollutant Discharge Elimination System (MPDES) regulations.
	Noise: Noise would temporarily increase due to pile driving and operation of heavy equipment.	**Noise**: Contractors will be expected to adhere to local noise ordinances or agreements negotiated with the city. Advance notice of construction will be provided to area businesses and residences to minimize impacts on community activities.
	Social and Community/Economic: Residences and businesses in the project area may be impacted due to temporary delays, detours, and/or access limitations. Construction easements for grading, temporary access, or temporary construction staging may be needed from property owners, including BNSF Railway, in the project area. While the property owners would retain ownership of these areas, their use of these areas during construction would be restricted by particular construction activities.	**Social and Community/Economic**: MDT will notify property owners, including BNSF Railway, of construction activities. During construction, travel delays will be minimized to the extent feasible.
	Visual: Temporary impacts from construction would impact views, and a temporary visual disturbance would occur due to loss of vegetation during construction and to equipment and materials stored on site.	**Visual**: Equipment and materials will generally be stored in designated staging sites. BMPs will be implemented for dust control. Permanent vegetation will be re-established on disturbed areas within MDT right-of-way and easements.
	Energy: During construction, energy efficiency would temporarily decrease as construction vehicles and machinery consume more fuel.	**Energy**: Energy consumption will be minimized to the extent practicable during construction by locating staging areas within close proximity to construction activities, using on-site materials, and properly maintaining construction equipment.

Table S.1 Summary of Impacts and Mitigation (continued)

Topic	Build (Preferred) Alternative Impacts	Mitigation
Secondary and Cumulative	Secondary (indirect) impacts include changes to travel patterns within the Cut Bank project vicinity due to the re-routing of existing S-213. Traffic volumes may increase on the proposed Skyland Road/S-213 alignment and either decrease or remain at current levels on Central Avenue. Cumulative economic impacts may occur from the combined Cut Bank West and Cut Bank RR Overpass projects due to access changes and rerouting of traffic to the realigned S-213.	No mitigation is required.
Permits	Section 402/Montana Pollutant Discharge Elimination System (MPDES) authorization from MDEQ Permitting and Compliance Division, including a Stormwater Pollution Prevention Plan, Erosion Control Plan, and BMPs. Short-Term Exemption from Montana's Surface Water Quality Standards (318 Authorization) from MDEQ Water Quality Bureau (potentially for Burns Coulee).	MDT and/or the contractor will obtain permits as required.

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1.0 Project Purpose and Need

1.1 PURPOSE

The purpose of the proposed Cut Bank Overpass project is to provide continuous and safe travel through the northern portion of Cut Bank for the traveling public, school bus traffic, emergency services, and farm-to-market traffic.

1.2 NEED

The need for the proposed overpass project has developed because:

- Trains frequently block at least one of the three railroad crossings that serve the town. The three at-grade railroad crossings are located on Old County Road (west side of town), existing S-213/Central Avenue (center of town), and Old Kevin Road (east, outside of town).
  - Blocked crossings affect mobility and delay emergency response. Approximately 40 trains travel through Cut Bank spread evenly through the day and night. If all three crossings were blocked at once, emergency vehicles must wait as there are no alternate routes. Trains have been witnessed to block the existing S-213/Central Avenue crossing for up to 20 minutes.
  - Blocked crossings delay vehicular travel, including local residents, business traffic and recreational travelers. The 2002 average annual daily traffic (AADT) on existing S-213/Central Avenue at Railroad Street was 4,150. This traffic is projected to increase to 4,470 by 2007 and 6,020 by 2027, which would further compound and delay travel through town.
- The existing at-grade BNSF Railway crossings present safety concerns, such as:
  - Motorist disregard of warning devices and crossing gates at crossings.
  - Safety of pedestrian crossings due to the large number of trains traveling through town.
  - Safety of school bus crossings. If a bus stalls on the track, there are concerns that the driver could not empty the bus before a train strikes the vehicle.
  - Potential vehicle queues on tracks. The average vehicle queue on either side of the tracks at the existing S-213/Central Avenue location is eight vehicles, with up to 16 vehicles documented on the southbound approach. Should a vehicle stall on the tracks and be struck by a train, other vehicles could potentially be affected.
- The community is divided by tracks, which:
  - Results in out-of-direction travel when trains are present out-of-direction travel is a situation in which a vehicle must travel a different, less direct route to reach its destination because the usual direct route is blocked).

1.3 PROJECT SETTING

State Secondary Highway 213 (S-213) is a two-lane regional travel corridor extending north from the City of Cut Bank to the Canadian border (Figure 1.1 Project Location). Highway S-213 ties the region to Canada through the port of entry at Port of Del Bonita, approximately 50 km (31 mi) northwest of Cut Bank. This is a United States – Canada agricultural trade route. Similarly, S-214

to the east of S-213 provides a route to the United States Port of Sweet Grass and Canadian Port of Coutts.

Highway S-213 currently enters the City of Cut Bank on Central Avenue and connects to US 2 (Main Street). Highway S-213 crosses the Burlington Northern Santa Fe Railway (BNSF) double tracks in Cut Bank to make this connection to US 2. The existing S-213/Central Avenue alignment is one of three existing at-grade railroad crossings in Cut Bank. The other two crossings are at Old County Road on the west side of town and at Old Kevin Road east of town, outside of the town limits (see Figure 3.1).

Approximately one-third of the Cut Bank population, an elementary school, school district bus barns and several businesses are located north of the railroad tracks. However, the community emergency service providers (Glacier County Medical Center, Glacier County Rural Health Clinic, Glacier County Emergency Medical Service [EMS], police department, volunteer fire department) are located south of the tracks. The emergency service area includes the city and surrounding areas in the county.

The project area refers to the area adjacent to the existing and proposed roadways that would be directly affected by construction-related (i.e., ground disturbing) activities. The project area is approximately 38 m (125 ft) on either side of the existing centerline. The project corridor includes existing S-213/Central Avenue between Old Maids Coulee and Main Street, and proposed S-213 along Skyland Road, from Nyhagen Road to Main Street. The project vicinity refers to a larger area that encompasses an approximate 1.6-km (1-mi) radius from the project study area that could be indirectly affected by the proposed project.

1.4 PROJECT OBJECTIVES

The following objectives have been identified to address each key element of the purpose (improving safety and mobility):

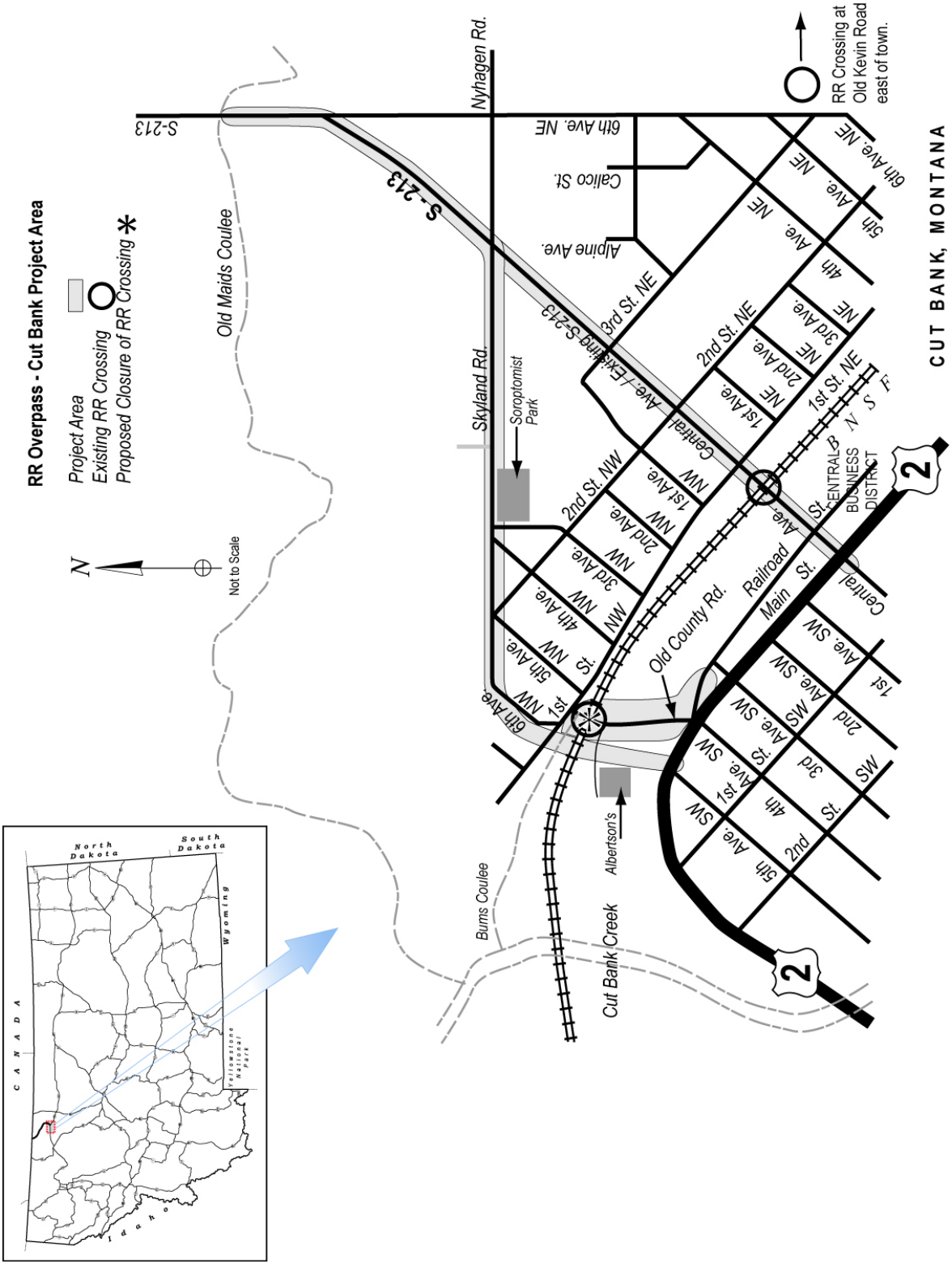
- Improving safety
  - Reduces potential motorist and pedestrian conflicts at railroad crossings
  - Improves emergency response time
- Improving mobility
  - Reduces travel delays caused by roadway blockages due to train activity
  - Provides a continuous travel route through Cut Bank
  - Reduces out-of-direction travel caused by trains blocking railroad tracks

Each alternative was evaluated based on criteria measuring the extent to which these objectives relating to the purpose and need for the project can be met.

Existing at-grade crossing at Central Avenue (existing S-213) and BNSF tracks, looking northeast.

Proposed overpass location looking north to 6th Avenue NW. The existing Old County Road at-grade crossing is on the right side of the photograph.

Figure 1.1 Project Location



2.0 Alternatives

2.1 BACKGROUND

Project History

Several previous studies have evaluated the need for a railroad overpass or underpass within the City of Cut Bank, including the *Study of Alternate Solutions for Separating FAS 213 and the Great Northern Railway at Cut Bank*, Montana State Highway Commission Preconstruction Division (February 1969), the *Burlington Northern Railroad Crossing Study, Cut Bank Montana,* Cut Bank-Glacier City-County Planning Board (April 1980) and the *Overpass Study for Separating FAS 213 and the Burlington Northern Santa Fe Railway, Cut Bank, Montana*, Montana Department of Transportation (October 2000).

Retained alternatives from these previous studies were Alternative 2 from the 1969 study, Alternative 5 from the 1980 study and the Skyland Road alignment from the 2000 study. Of these alternatives, the 2000 Skyland Road most closely matches the alignment and grade-separation location of the Build (Preferred) Alternative identified in this EA.

The 1969 Alternative 2 included a grade-separation in the same location as this EA Build (Preferred) Alternative, but also proposed to extend S-213 along a new alignment north of Skyland Road. This alternative would create additional out-of-direction travel and additional right-of-way impacts. Alternative 5 from the 1980 study is located considerably further east of the Build (Preferred) Alternative and would not improve safety or mobility in the more heavily traveled western portion of Cut Bank. Other alternatives from the 1969, 1980 and 2000 studies were dismissed because they would not be expected to meet the purpose and need of the current proposed project due to out-of-direction travel or failure to improve safety/mobility.

Public Involvement

Public desire for an overpass has been documented for many years. Records between 1998 and 2002 describe public participation through the efforts of Glacier Action and Involvement Now, Inc. (GAIN), the City of Cut Bank, Glacier County, and Montana Rural Development Partners, Inc (2002). The most recent 2000 overpass feasibility study recorded several public meetings and recommended an alignment and overpass on the western side of town in a relatively undeveloped area along the Skyland Road alignment. With input from the public, criteria based on right-of-way requirements, MDT design criteria and cost, were used to evaluate the alternatives in the 2000 study.

The 1969 and 1980 railroad crossing study alternative decisions were based on engineering analysis. Alternatives were eliminated because they could not be constructed according to MDT criteria for vertical or horizontal alignments, since they did not cross the tracks at the optimum crossing location. See Appendix B for a description of alternatives evaluated in the previous studies.

Public support for an overpass is also shown in a 2002 document prepared by Montana Rural Development Partners, Inc. This consulting group collaborates with rural Montana communities to assess their needs and assist their development efforts. Montana Rural Development Partners worked with Glacier Action and Involvement Now, Inc. (GAIN) and the City of Cut Bank to

interview approximately 300 people during a public visioning and strategic planning workshop held in January 2002. A broad range of citizens, civic groups and businesses provided input on perceptions of Cut Bank's major challenges and major assets, as well as projects they would like to see completed in Cut Bank in two, five, 10 and 20 years. Nearly every group represented had more than one person indicate they hoped an overpass would be constructed in town to alleviate the delays caused by trains and provide a safer way to travel across town.

A public scoping meeting was held on March 10, 2003 for the current Cut Bank Overpass EA. More than 63 area residents attended. A summary of issues expressed at this meeting is included in Section 5.3 Public Involvement.

Project Scope and Schedule

This Environmental Assessment evaluates two alternatives: the No Build Alternative and a Build (Preferred) Alternative for the proposed overpass location and connections to S-213 and US 2. The Build (Preferred) Alternative reflects the application of MDT's Urban Minor Arterial (Non-NHS) typical section as described in the "Alternatives" section of this chapter. Evaluation criteria based on the purpose and need for the proposed project were used to identify the Build (Preferred) Alternative.

Upon completion of this EA, if no significant impacts are identified, then a Finding of No Significant Impact (FONSI) will be issued. If significant impacts are identified, MDT could choose to complete an Environmental Impact Statement (EIS), or to discontinue or modify the project. If a FONSI is issued, construction of the proposed Cut Bank Overpass project is targeted for construction to begin between 2009 and 2011, depending on funding, right-of-way acquisition, utility relocation, and environmental permitting requirements.

2.2 ALTERNATIVES

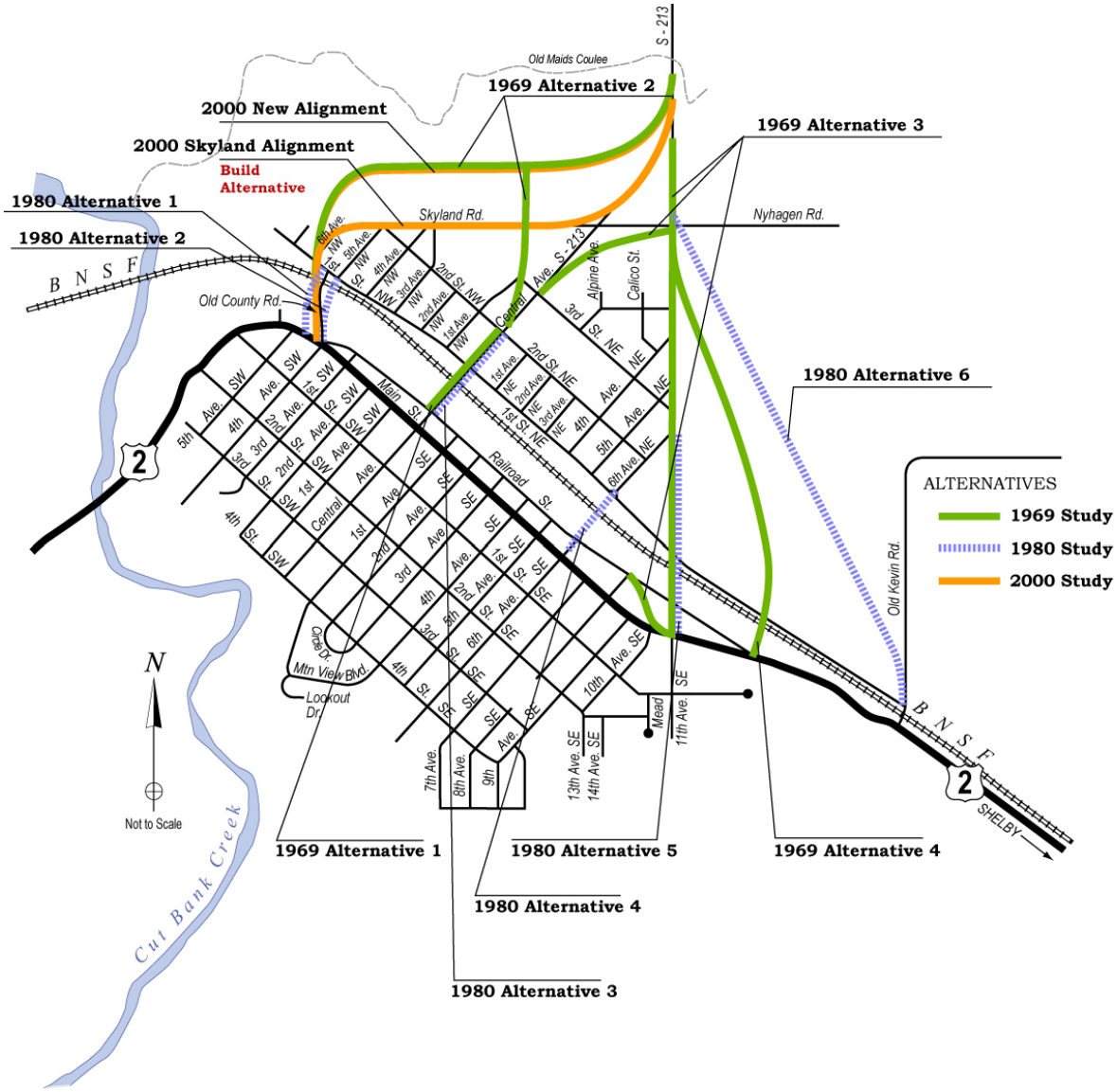
Alternatives Previously Considered

The need and desire for an overpass has a long history (Figure 2.1 Previous Grade Separation Study Alternatives). In 1969, the Montana State Highway Commission completed a *Study of Alternate Solutions for Separating FAS 213 and the Great Northern Railway at Cut Bank.* Four (4) alternatives were proposed and evaluated. In 1980, Clete Daily & Associates completed a study for the Cut Bank-Glacier City-County Planning Board entitled *Burlington Northern Railroad Crossing Study*. Six (6) alternative locations for a new grade-separated railroad crossing were developed and identified for further study.

In 2000, the *Overpass Study for Separating FAS 213 and the Burlington Northern Santa Fe Railroad* reviewed the alternatives described in the 1969 study and focused on Alternate 2, as requested by the Glacier County Commission and supported by MDT. The 2000 study offered two variations for the 1969 Alternative 2, Option 1 and Option 2. Generally, criteria for evaluating alternatives in the 1969 and 2000 studies were based on the ability of the alternative to meet MDT design criteria and to be constructed for a reasonable cost. Criteria were similar in 1980, with additional criteria to determine the optimum crossing location.

Summaries of all alternatives are included in Appendices A and B.

Figure 2.1 Previous Grade Separation Study Alternatives



Alternatives Development and Screening

Alternatives evaluated in this EA were based on analysis of alignment, access and typical sections for three segments of S-213; the overpass tie-in to US 2, alignment and crossing options at the BNSF railroad crossing and intersection geometry at the eastern terminus at existing S-213. Multiple design options were considered for the vertical and horizontal alignment of each segment and for the bridge span alignment. Descriptions of these design options are found in Appendix A.

Evaluation Criteria. Evaluation criteria were identified to determine if the alternatives addressed the objectives relating to the purpose and need of the proposed project, and would be considered reasonable and feasible. Those criteria include:

- Improvement to safety (reducing vehicle and pedestrian conflicts at railroad crossings, and improved emergency response time)
- Degree to which an uninterrupted travel route across town can be provided
- Degree to which out-of-direction travel caused by trains blocking railroad tracks can be reduced
- Extent of feasible avoidance or minimization of impacts to resources
- Reasonableness of cost
- Ability to meet MDT design criteria
- Compatibility with the eastern terminus of the Cut Bank West project

Screening Process. After input from the March 10, 2003 public meeting, MDT and the consultant reviewed the conditions of the No Build Alternative and determined it did not meet the purpose and need for the proposed project because it did not improve safety or improve mobility by providing an uninterrupted travel route across town.

Between March 10, 2003 and June 17, 2003, the project team reviewed the alignments and overpass locations identified in the previous feasibility studies and formulated a range of options for a "build" alternative, which are described in Appendix A. These options considered the potential impacts a "build" alternative could have to the social, economic and natural environment along the project corridor. MDT's adjacent Cut Bank West (F 1-3(20)247 CN 1310) project on US 2 was also a factor in the development of options for a preferred alternative at its western terminus on US 2.

The project team and MDT screened the options for a Build Alternative against the above evaluation criteria during a project meeting on June 17, 2003. Based on this evaluation, a general Build Alternative was identified. Details of this Build Alternative were then reviewed at an alignment and grade meeting held with the MDT, the consultant project team, and the City of Cut Bank in May 2005. At that time, modifications to several details of the Build Alternative were discussed. Subsequent analysis of those modifications determined that a simplified configuration of the southern project terminus was warranted, resulting in the Build Alternative described in this EA. This modified Build Alternative has now been identified as the Preferred Alternative.

No Build Alternative

Under the No Build Alternative existing S-213 would remain on its current alignment, and the existing S-213 right-of-way width would continue to vary between 21-23 m (69-75 ft). Existing Skyland Road would also remain in its current location and condition, and the right-of-way width would continue to vary between 15-18 m (49-59 ft). Existing S-213 features two 3.6-m (12-ft) through-lanes and two 2.4-m (8 ft) shoulders. Existing Skyland Road features two 3.6-m (12-ft) through-lanes and no shoulders, curbs, gutters or sidewalks. The western portion of Skyland Road is paved from 6th Avenue NW to Soroptomist Park, and the eastern portion is gravel from Soroptomist Park to existing S-213.

In the No Build Alternative, a portion of US 2/Main Street will be improved as a result of MDT's adjacent Cut Bank West project. MDT's Cut Bank West project is an approximately 16 km (10 mi) reconstruction project on US 2 to the west of Cut Bank. The project includes roadway improvements to manage traffic at the "Y" intersection at 4th Avenue SW, US 2/Main Street, Railroad Street and Old County Road. The Cut Bank West project received a Categorical Exclusion clearance from the Federal Highway Administration (FHWA) on August 7, 2002 and construction began in 2006 (Figure 2.5 Build (Preferred) Alternative Detail of Western Terminus).

Under the No Build Alternative, the three existing at-grade railroad crossings serving Cut Bank would remain in place. Two crossings are within the town at Old County Road and existing S-213/Central Avenue. Old County Road would continue to provide a route for traffic from US 2 to travel north, cross the tracks, follow either 5th or 6th Avenues NW to Skyland Road, and continue east to existing S-213. Existing S-213 would remain on Central Avenue, beginning at its intersection with US 2/Main Street, and continue proceeding north across the railroad tracks in the center of town. The Old Kevin Road crossing east of town would remain in place. Skyland Road would remain as a county road with no changes. The above-mentioned roads would remain two lanes.

Evaluation. Except for improvements introduced by MDT's Cut Bank West project, there would be no change in safety, access or roadway conditions in the No Build Alternative. MDT would continue maintaining existing S-213 as usual, and the three at-grade crossings would receive normal maintenance. The No Build Alternative does not meet the purpose and need for the proposed project for safety or mobility but is retained as a baseline for comparison to the Build (Preferred) Alternative. It is included in accordance with National Environmental Policy Act (NEPA) regulations (40 CFR 1502.14(d)).

Build (Preferred) Alternative

The Build (Preferred) Alternative was identified from the evaluation of various design options for alignment, access and typical sections, as described in Appendix B. The Build (Preferred) Alternative would reroute S-213 from Central Avenue to a more northwestern location in the City of Cut Bank. The proposed S-213 alignment would extend from a western terminus at a new intersection with US 2 near existing 5th Avenue SW and US 2 (Figure 2.4 Build (Preferred) Alternative). 5th Avenue SW would remain a two-way street. The new S-213 alignment would proceed north and cross the BNSF Railway tracks on a new overpass, located west of Old County Road and 6th Avenue NW. The alignment and overpass would span the rear access road to the Albertsons shopping center, the railroad tracks, and 1st Street NW. The railroad tracks would remain at grade. From the vicinity of 6th Avenue NW, the new S-213 would curve east and transition into the existing Skyland Road corridor (County Road 462). The new S-213 would continue east along the Skyland Road alignment and tie into existing S-213/Central Avenue corridor north of Nyhagen Road along 6th Avenue NE.

The western terminus of the Build (Preferred) Alternative (Figure 2.5 Build (Preferred) Alternative Detail of Western Terminus) would tie into the adjacent MDT Cut Bank West project. The Cut Bank West project includes roadway improvements in the vicinity of the "Y" intersection at 4th Avenue SW, US 2/Main Street, Railroad Street and Old County Road. The purpose of this project is to improve safety and mobility at this complicated intersection. The Cut Bank West project is funded separately from the proposed overpass.

Under the Build (Preferred) Alternative Old County Road would be disconnected from US 2, although access to Railroad Street would be maintained. Traffic from Old County Road (which includes large trucks departing from the unloading area to the back of Albertsons) would turn left onto Railroad Street, the city's designated truck route. Additional ROW would be needed to provide adequate vehicle turning distances for a new US 2/Railroad Street. This acquisition would result in the displacement of the existing car wash located on the triangular block between US 2/Main Street and Railroad Street.

At the new US 2/S-213 intersection, proposed S-213 would feature one southbound shared through/right turn lane, a separate left turn lane, and one northbound through-lane. Beginning north of this new intersection, the proposed S-213 urban typical section characteristics would

feature two through-lanes, two shoulders (1.5 m (5.0 ft)), and curbs, gutters and a sidewalk on the south side (Figure 2.2 Urban Typical Sections With Curbs, Gutters and a South Sidewalk for Urban Area). The roadway would parallel the western side of Old County Road and begin an ascent northward toward the overpass.

The existing at-grade railroad crossing on Old County Road would be eliminated. The small segment of Old County Road north of the tracks would be eliminated between the tracks and 1st Street NW and Old County Road would connect to Railroad Street. Although the at-grade crossing is eliminated, the remaining southern segment of Old County Road would continue to serve the BNSF operations, the city's gas valve system and several businesses.

The rear access drive from Albertsons loading dock eastward to Old County Road would be spanned by the proposed S-213 railroad overpass and would remain as it exists today. This would address citizens' concerns that access from Old County Road be maintained. The access road is located 116 m (380 ft) north of the proposed S-213 intersection. The overpass span and elevated approaches would traverse eastward toward Skyland Road and transition into the alignment north of the existing Skyland Road centerline. This northerly shift in the alignment would move the roadway slightly away from the adjacent Jacobson Addition neighborhood for several blocks (from 5th Avenue NW to 3rd Avenue NW). 5th Avenue NW and 2nd Street NW would be reconfigured to eliminate the intersection with Skyland Road. However, the 5th Avenue NW and 2nd Street NW connection would remain in place to provide circulation and emergency vehicle access within the neighborhood.

Beginning near 3rd Avenue NW, the proposed S-213 would be aligned with the existing centerline of Skyland Road. Other intersections with Skyland Road would be reconstructed to match the proposed S-213 typical section. East of Soroptomist Park the road would transition into an urban typical section *without* curbs or gutters (Figure 2.3 Urban Typical Section Without Curbs, Gutters and Sidewalks for Rural Area). The park is at the limits of the currently developed area and the city limits and therefore, the end of the urban typical section *with* curbs and gutters and a sidewalk on the south side. The entire roadway would also be paved (it is currently unpaved east of the park to existing S-213).

Continuing east of Soroptomist Park, the Build (Preferred) Alternative alignment would curve northward and transition into existing S-213 south of Old Maids Coulee (south of RP 1.2) (Figure 2.6 Build (Preferred) Alternative Detail of Eastern Terminus). This segment of proposed S-213 features MDT's urban typical section *without* curbs, gutters, or sidewalk. The Central Avenue intersection and local roadway access in the vicinity of Nyhagen Road would be accommodated by converting portions of the existing highway in this area into local county roads.

MDT recommends that the existing S-213/Central Avenue route revert to the city's jurisdiction south of 3rd Street NE, and to the county's jurisdiction north of 3rd Street NE at existing jurisdiction boundaries. However, there is no contractual agreement at this time between MDT and the City of Cut Bank or Glacier County regarding a change in jurisdiction.

Typical Sections. The right-of-way width of existing S-213 varies between 21-23 m (69-75 ft). The right-of-way width of existing Skyland Road (County Road 462) varies between 15-18 m (49-59 ft).

The Build (Preferred) Alternative evaluated in this EA reflects the application of MDT's Urban Minor Arterial (Non-NHS) typical sections for both the urban portion and the rural portion of the proposed project. MDT's standard typical sections for this category of roadway include two 3.6-m (12-ft) travel lanes. Adjacent to the travel lanes, this category of roadway permits either a narrow

shoulder bordered by curb and gutter, or a wider shoulder without curb and gutter. Sidewalks may or may not be provided.

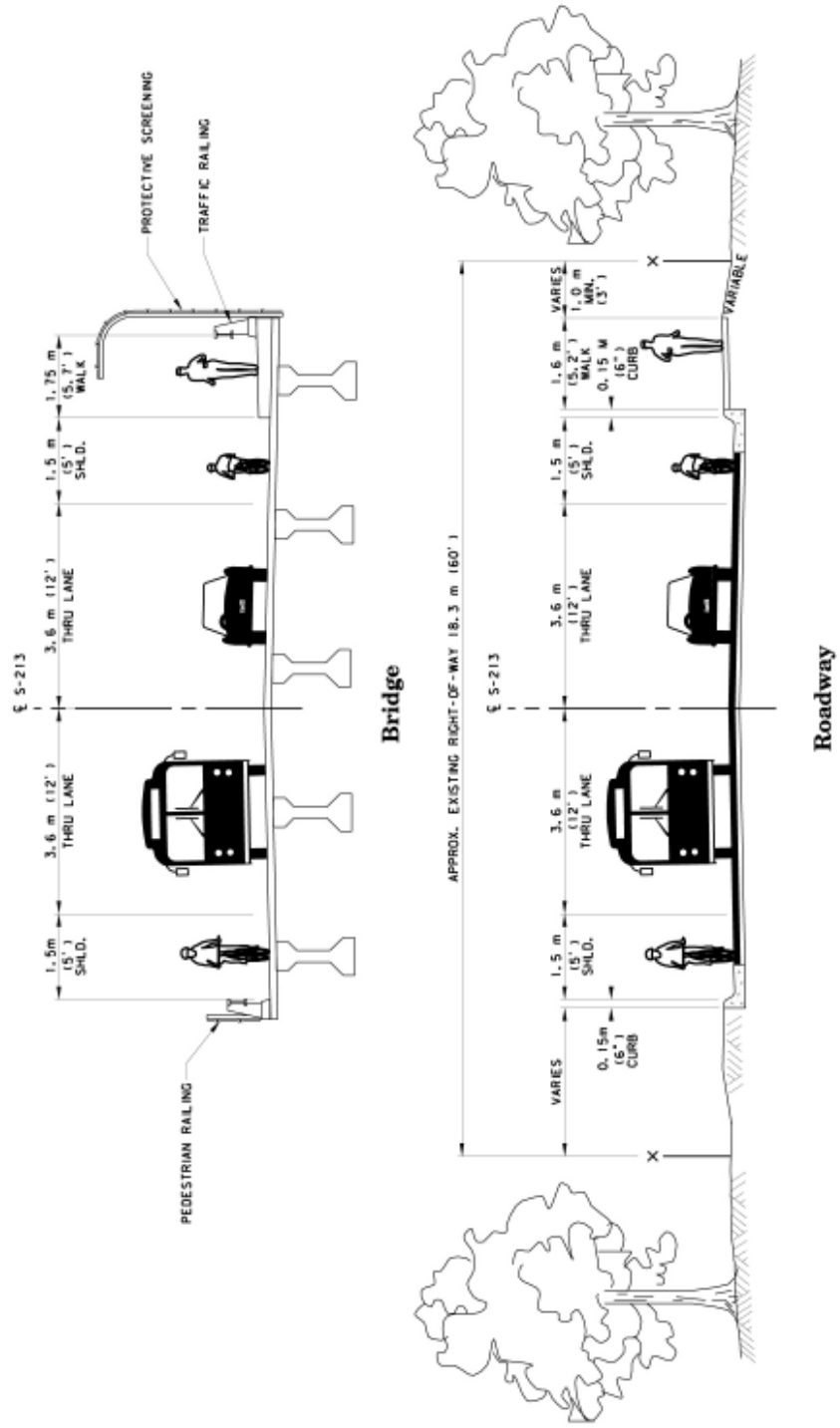
The Build (Preferred) Alternative reflects an urban typical section *with* curbs, gutters, and a sidewalk on the south side of S-213 in the urban area of the proposed project, and an urban typical section *without* curbs, gutters and sidewalks in the rural area of the proposed project.

The urban typical section *with* curbs, gutters and a sidewalk (Figure 2.2) would feature two 3.6-m (12-ft) through lanes, 1.5-m (5-ft) shoulders, and a 1.6-m (5.2-ft) sidewalk on the south side only. This shoulder width would accommodate bicycles but does not provide sufficient width for on-street parking. Curbs between the shoulders and sidewalks would measure 0.15-m (6 in) for an overall urban paved width, including curb and a south sidewalk, of 12.1 m (40.2 ft). Side slope widths along the urban section would vary, with a minimum width of 1.0 m (3 ft). This urban typical section *with* curbs, gutters and a south sidewalk would begin at the new US 2/S-213 intersection and extend to just east of the 3rd Avenue NW intersection with Skyland Road.

The overpass bridge typical section paved widths would be similar to the standard urban typical section *with* curbs, gutters and a south sidewalk (Figure 2.2). The overpass width would accommodate bicycles. The overpass would feature two 3.6-m (12-ft) through lanes, two 1.5-m (5-ft) shoulders and a 1.75-m (5.7 ft) sidewalk on the south side, for an overall total paved width of 11.95 m (39.7 ft). The bridge height over the tracks would meet the minimum requirement of 7.1 m (23 ft 3.5 in) for track clearance (23 CFR 646.212(a)(3)). Lighting would be provided under the new bridge per MDT and BNSF standards.

The urban typical section applied to the rural area of the proposed project would be *without* curbs, gutters and sidewalks (Figure 2.3). It would include two 1.2-m (4-ft) shoulders and would be applied from 3rd Avenue NW to existing S-213, south of RP 1.2. This section *without* curbs, gutters and sidewalks would feature two 3.6-m (12-ft) through lanes and two 1.2-m (4-ft) shoulders for an overall total paved width of 9.6 m (32 ft).

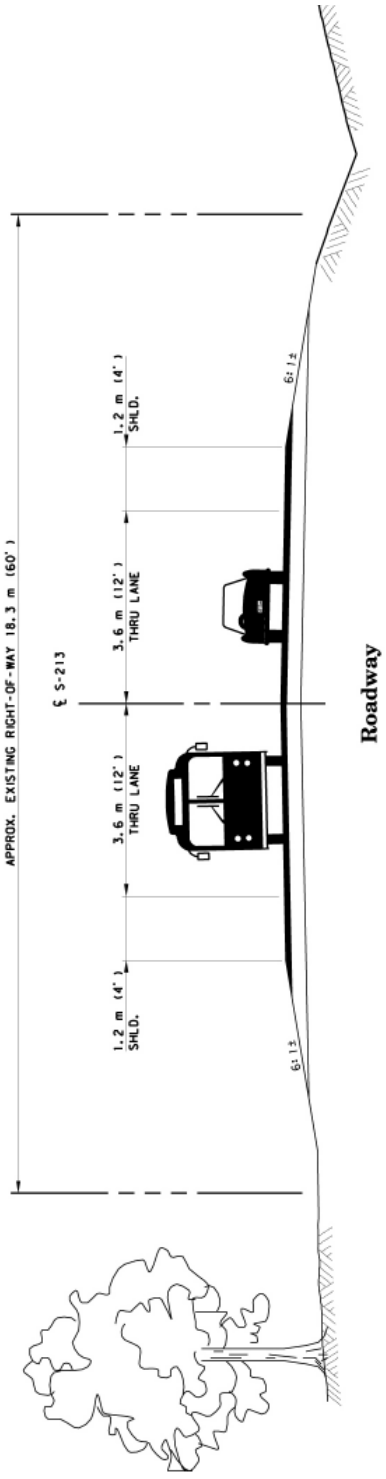
Figure 2.2 Urban Typical Sections With Curbs, Gutters and a South Sidewalk for Urban Area



The urban typical section *with* curbs and gutters, and a sidewalk on the south side would be applied to the most urbanized area of the project from the re-alignment of S-213 at the US 2 and 5th Avenue SW intersection, east to 3rd Avenue NW and Skyland Road.

Source: Montana Department of Transportation/David Evans and Associates, Inc.

Figure 2.3 Urban Typical Section Without Curbs, Gutters and Sidewalks for Rural Area



The urban typical section *without* curbs, gutters and sidewalks (but with a 1.2 m (4 ft) shoulder) would be applied to the rural area of the project from the 3rd Avenue NW and Skyland Road intersection east to the project's transition into existing S-213, south of RP 1.2.

Source: Montana Department of Transportation/David Evans and Associates, Inc.

Table 2.1 provides a comparison of the No Action and the Build (Preferred) Alternative based on objectives relating to the ability of each alternative to address the Purpose and Need for the project.

Table 2.1 Comparison of No Build and Build (Preferred) Alternative

Project Purpose and Objectives	No Build Alternative	Build (Preferred) Alternative
	Meets Project Objective?	**Meets Project Objective?**
Improve Safety		
Reduces potential motorist, pedestrian conflicts at railroad crossings	No	Yes
Improves emergency response time	No	Yes
Maintain Mobility		
Reduces travel delays caused by roadway blockages due to train activity	No	Yes
Provides continuous travel route through Cut Bank	No	Yes
Reduces out-of-direction travel caused by trains blocking railroad tracks	No	Yes

Table 2.2 summarizes the positive and negative impacts that would be anticipated from both the Build (Preferred) Alternative and the No Action alternative. Information and findings on impacts for each environmental resource are located in Chapter 3.

Table 2.2 Summary of Impacts

Resource	No Action Alternative	Build (Preferred) Alternative
Transportation	Continued traffic delays at intersections and at BNSF Railway tracks.	Changes in traffic patterns and some out-of-direction travel would result from shifting of the existing S-213 to the Build (Preferred) Alternative alignment, and from closure of a portion of Old County Road.
Vegetation	No impact	Minor decrease in vegetation cover. Potential increase in noxious weeds.
Wildlife and Fisheries	No impact	Minor impact to terrestrial resources. No impact to aquatic resources.
Wetlands	No impact	No impact.

Table 2.2 Summary of Impacts (continued)

Resource	No Action Alternative	Build (Preferred) Alternative
Threatened and Endangered Species	No impact	No impact
Water Resources and Water Quality	No impact	Several wells may be relocated.
Floodplains	No impact	No impact
Cultural and Historic Resources	No impact	No impact
Parks and Recreation Facilities	No impact	No impact
Air Quality	No change to air quality conditions.	Potential beneficial change to air quality by reducing travel delay.
Solid Waste/Hazardous Materials	No impact	The proposed overpass construction may impact several potential sites, including a solid waste fill site south of the BNSF Railway right-of-way near Albertson's, the Alme Construction AST site on S-213/Central Avenue, just north of 3rd Street NE, and the railroad right-of-way.
Noise	No impact	Traffic noise levels along proposed S-213 are not predicted to exceed MDT noise standards.
Land Use	No impact	No impact
Farmland	No impact	Approximately 4.4 ha (11 ac) of statewide important farmland would be converted to transportation use.
Social and Community/ Economics	Slight negative impact due to continued traffic delays at intersections and railroad tracks.	Businesses may experience indirect access impacts due to changed travel patterns, resulting in out-of-direction travel or potential change in driveways. Because traffic will likely divert to the new S-213 alignment, there may be some economic impacts to commercial sales for a few "non-destination" businesses on Central Avenue.
Visual	No impact	Moderate impacts to views from 5th and 6th Avenues NW and from 1st Street due to the new overpass.
Energy	Increase in energy consumption due to vehicle idling.	Decrease in energy consumption as traffic delays decrease.
Safety and Security	No improvement	Improved emergency response times and pedestrian safety.
Environmental Justice	No impact	No impact

Table 2.2 Summary of Impacts (continued)

Resource	No Action Alternative	Build (Preferred) Alternative
Right of Way and Relocations	No impact	Conversion of approximately 6.9 ha (17.0 ac) of land to roadway right-of-way. Two residences located north of Skyland Road may be acquired and one business property would be acquired (the car wash on US 2/Main Street).
Utilities	No impact	Utility relocations including power lines, telephone lines, fiber optic cable lines and underground gas lines.
Section 4(f)/6(f) Resources	No impact	No impact
Construction	No impact	Residents and businesses in the project area may experience short-term delays, detours, and/or access limitations related to construction activities. Loss of vegetation and potential increase in noxious weeds because of additional area of disturbance. Air quality impacts may include short-term increases in fugitive dust and mobile source emissions from construction equipment and vehicle queuing during construction delays. Sedimentation from temporary ground disturbance may impact water quality in downstream locations. Temporary noise impacts would result from pile driving and operation of other heavy equipment during bridge construction. Construction easements for grading, temporary access, or temporary construction staging may be needed from property owners, including the BNSF Railway, in the project area. While the property owners would retain ownership of these areas, their use of these areas during construction may be restricted. Temporary impacts from construction would impact views, and temporary visual disturbance would occur due to loss of vegetation during construction and to equipment and materials stored on site. Energy efficiency would temporarily decrease as construction vehicles and machinery consume more fuel.

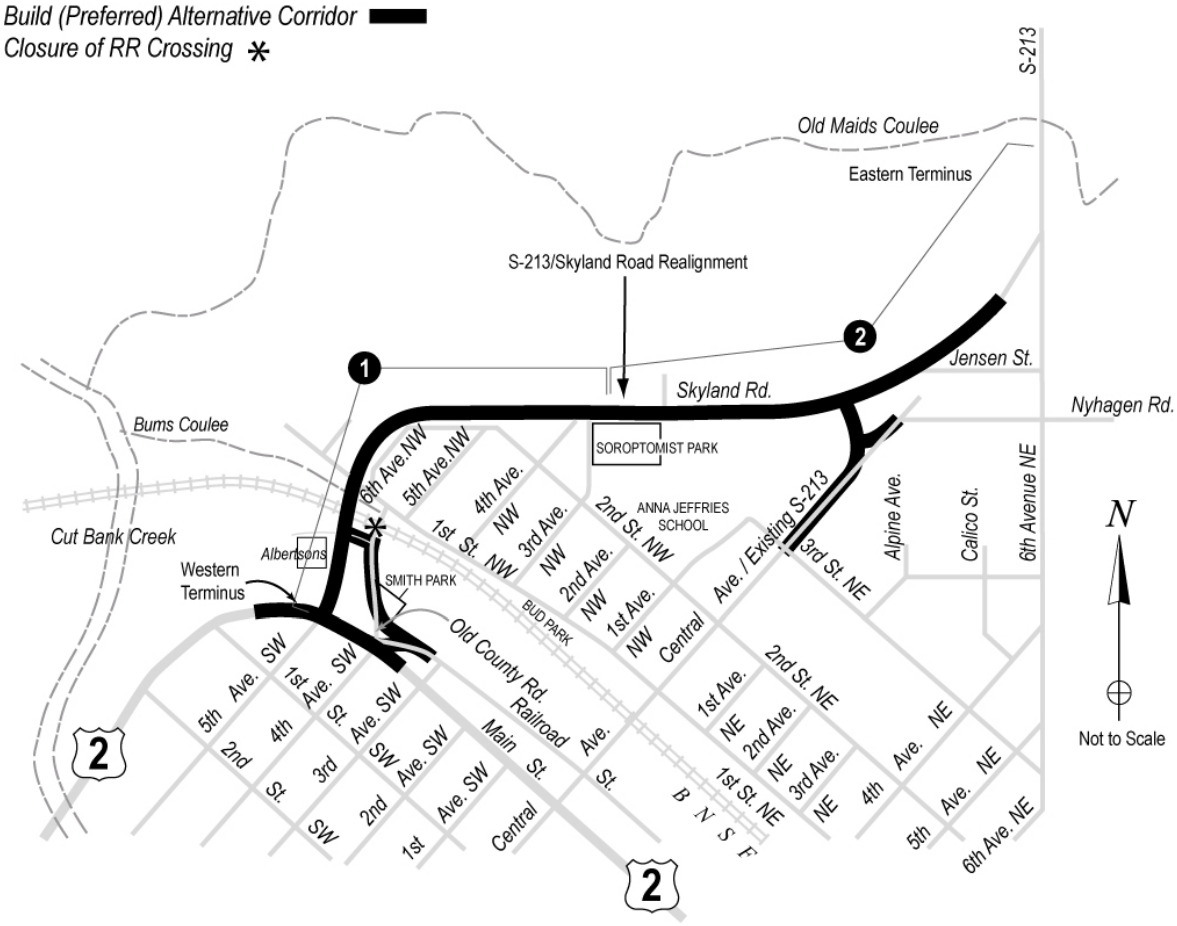
Table 2.2 Summary of Impacts (continued)

Resource	No Action Alternative	Build (Preferred) Alternative
Secondary and Cumulative	No impact	Changes to travel patterns within the Cut Bank project vicinity due to the re-routing of existing S-213. Traffic volumes may increase on the proposed Skyland Road/S-213 alignment and either decrease or remain at current levels on Central Avenue. Economic impacts may occur from the combined Cut Bank West and Cut Bank RR Overpass projects due to access changes and rerouting of traffic to the realigned S-213.
Permits	No impact	Section 402/Montana Pollutant Discharge Elimination System (MPDES) authorization from MDEQ Permitting and Compliance Division, including a Stormwater Pollution Prevention Plan, Erosion Control Plan, and BMPs. Short-Term Exemption from Montana's Surface Water Quality Standards (318 Authorization) from MDEQ Water Quality Bureau (potentially for Burns Coulee).

Conclusion. The Build (Preferred) Alternative would best fulfill the purpose and need for the proposed project as compared to the No Build (Table 2.1). The Build (Preferred) Alternative would improve safety, provide an uninterrupted travel route across town to improve mobility, minimize or avoid impacts to resources, could be constructed for a reasonable cost and would meet MDT design criteria.

Environmental impacts resulting from the Build (Preferred) Alternative would not be substantial and would be largely mitigated. The western terminus of the proposed Cut Bank Overpass project is also consistent with the design established by the adjacent MDT Cut Bank West project H-F-1-3(40)247, which ends approximately at the proposed Overpass project's western terminus.

Figure 2.4 Build (Preferred) Alternative



1. *The urban typical section **with** 1.6 m (5 ft) shoulders, curbs, gutters and sidewalks on the south side would be applied to the urban area of the project for a distance of approximately 900 m (2952 ft).*
2. *The typical section **without** curbs, gutters and sidewalks (but with 1.2 m (4 ft) shoulders) would be applied to the rural area of the project for a distance of approximately 1250 m (4100 ft).*

Notes: (A) The following facilities are located south and/or east of Central Avenue or US 2/Main Street, outside the project area: Post Office, Police/Fire Department, County Court House, High School, HC Davis Elementary School, Civic Center, and Hospital .

(B) Final design will determine specific intersection geometrics.

Figure 2.5 Build (Preferred) Alternative Detail of Western Terminus

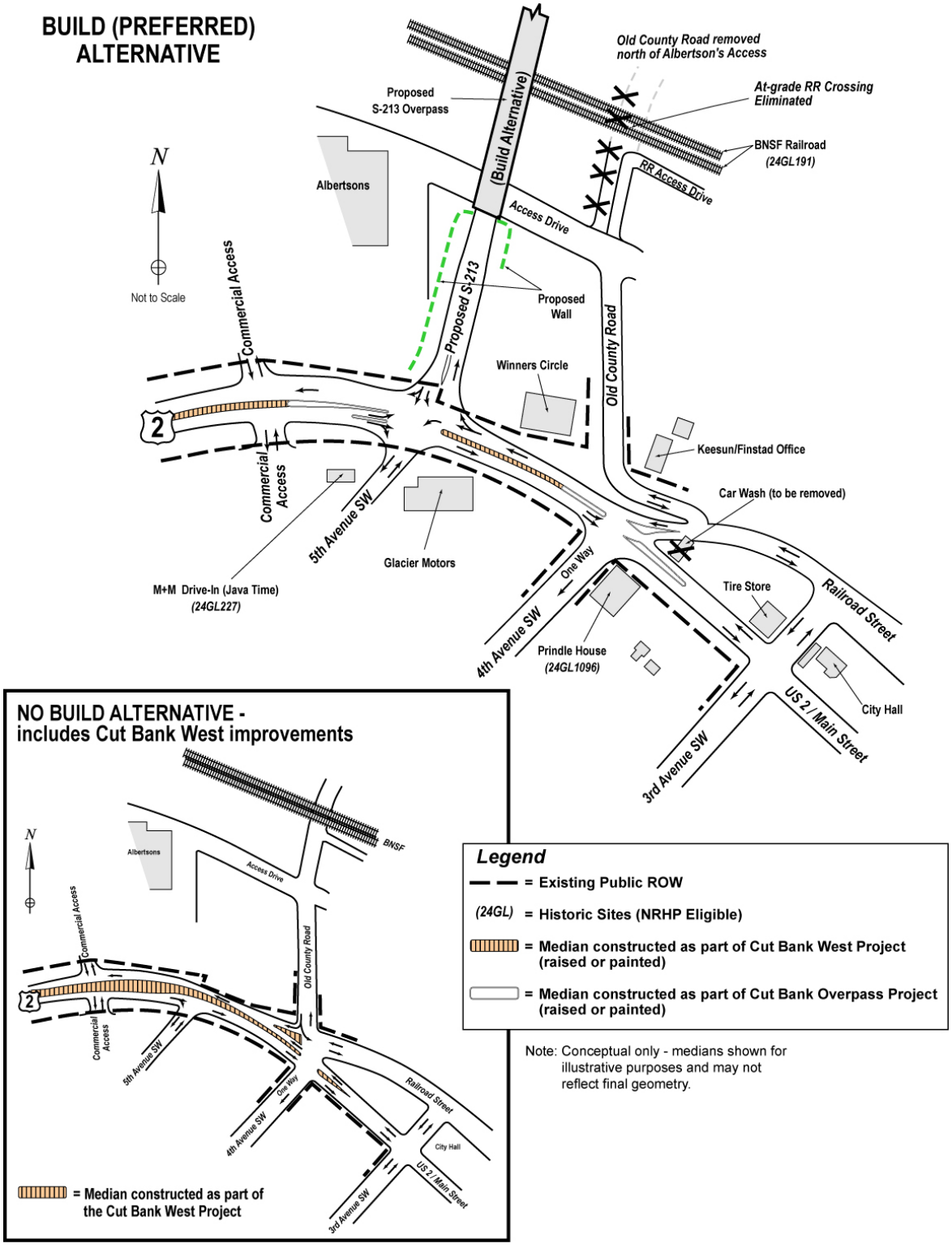
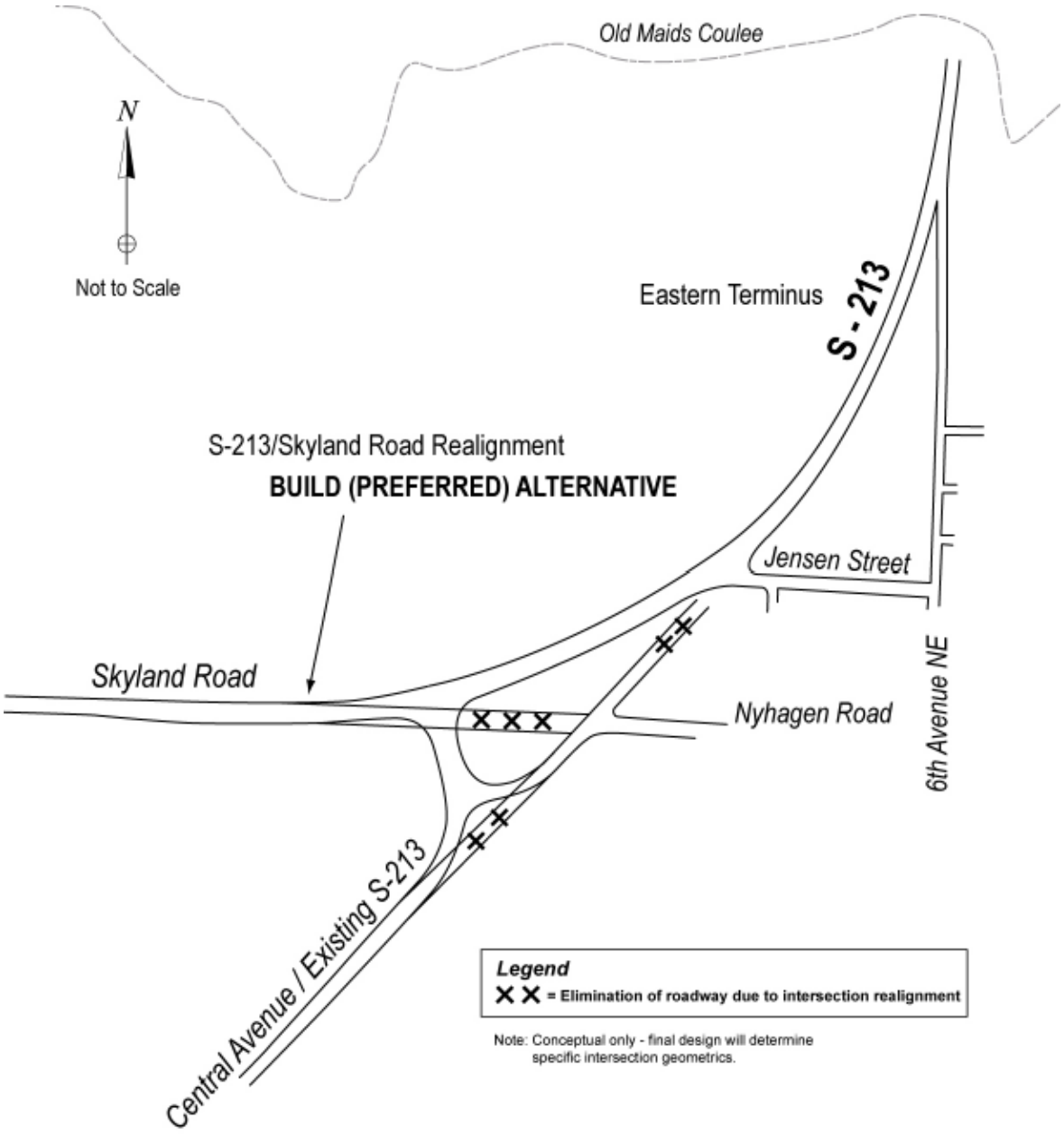


Figure 2.6 Build (Preferred) Alternative Detail of Eastern Terminus



3.0 Affected Environment/Impacts and Mitigation

3.1 TRANSPORTATION

State Secondary Highway 213 (S-213) is a two-lane regional travel corridor extending north from the City of Cut Bank to the Canadian border (Figure 1.1 Project Location). Highway S-213 ties the region to Canada through the port of entry at Port of Del Bonita, approximately 50 km (31 mi) northwest of Cut Bank. The corridor is a designated United States – Canada agricultural trade route. Similarly, S-214 to the east of S-213 provides a route to the United States Port of Sweet Grass and the Canadian Port of Coutts. Other local connections and access are described in this section.

Roadway Network

The existing transportation setting in the project area includes the following roadways, shown in Figure 3.1. Important roadways that comprise the affected transportation network in Cut Bank include:

- Existing S-213 (Central Avenue) is a secondary highway functionally classified as a rural major collector. It enters Cut Bank from the north and travels through a commercial and industrial area, crosses the BNSF Railway tracks and intersects US 2 (Main Street) within Cut Bank's central business district. Existing S-213 through Cut Bank exhibits urban characteristics featuring curb, gutter and sidewalks.
- Skyland Road (County Road 462) is a two-lane local road intersecting with existing S-213 approximately 1.3 km (0.8 mi) north of downtown Cut Bank. It extends west of existing S-213 for approximately 1.1 km (0.7 mi), where it terminates at 6th Avenue NW. Skyland Road exhibits rural characteristics (no curb, gutter or sidewalks). The western roadway segment is paved and the eastern portion is unpaved.
- Nyhagen Road is a two-lane local road with rural characteristics located east of existing S-213. The road intersects with existing S-213 approximately 1.3 km (0.8 mi) north of downtown Cut Bank (directly to the east of Skyland Road).
- US 2 (Main Street) is a National Highway through northern Montana. In the project study area, US 2 is a two-lane facility with urban characteristics. It intersects with existing S-213 in Cut Bank's central business district.
- Railroad Street, a two-lane city street with urban characteristics, parallels US 2 (Main Street) through the downtown Cut Bank business district and industrial area, and has been signed by the city as a truck route for US 2 truck traffic through town.
- Old County Road is a paved two-lane city street with rural characteristics linking US 2 with 1st Street NW. It includes the western-most railroad crossing in Cut Bank and provides access to the service area and parking lot of Albertsons on the west.
- Sixth Avenue NW, a two-lane local street with rural characteristics, is just 0.2 km (0.1 mi) in length and connects Skyland Road to 1st Street NW.
- Sixth Avenue NE, another two-lane, local street with rural characteristics, connects existing S-213 (Central Avenue) north of Cut Bank, to 1st Street NE. 6th Avenue NE does not cross the railroad tracks.

Travel Routes

Currently only three routes in the Cut Bank community provide access between the areas north and south of the railroad tracks. As shown in Figure 3.1, the three routes are Old County Road, existing S-213 (Central Avenue), and Old Kevin Road (located east of Cut Bank). All three of the routes include at-grade crossings over the BNSF Railway tracks with crossing gates and warning devices. Emergency response vehicles, school buses, and other cross-town traffic are often delayed at the tracks due to trains passing or stopping in town.

Most agricultural and commercial trucking to and from the Cut Bank grain elevators and supply stores, located at Central Avenue and the BNSF Railway, use the existing S-213 (Central Avenue) crossing as the most convenient route. Many area residents also use this route to access the central business district. Trucks from the northeast may also use the crossing at Old Kevin Road while traveling to the grain elevators. Trucks traveling on US 2 do not cross the railroad tracks.

Traffic

Existing and Projected Traffic Volumes. MDT compiled traffic data for roadway segments on US 2 and existing S-213. Table 3.1 shows the Average Annual Daily Traffic (AADT) for 2002, and forecasts to 2007 and 2027. These numbers represent the traffic levels that would be on the existing roadway network, assuming the S-213 realignment and railroad overpass is not constructed (i.e., No Build Alternative). The average annual growth rate between 2007 and 2027 is forecast to be 1.5 percent per year, and is tabulated in Table 3.1 and illustrated in Figure 3.2. This estimate is based on the historic annual rate increases of 1.5 to 2.0 percent since 1993. The 2002 traffic volumes for existing S-213 in the north city limits show a design hour volume (DHV) of 330. This is forecasted to be 480 DHV by 2027.

Table 3.1 Corridor Average Annual Daily Traffic (AADT) Projections for US 2 and Existing S-213 under the No-Build Alternative

Roadway Segment	Existing 2002 AADT	Projected 2007 AADT	Projected 2027 AADT
US 2, West City Limits	3,670	3,955	5,325
US 2, 1st Ave SW to S-213	4,810	5,180	6,980
US 2, S-213 to 1st Ave SE	4,800	5,170	6,965
US 2, 5th Ave SE to 6th Ave SE	4,290	4,620	6,225
US 2, East City Limits	2,750	2,960	3,990
S-213, Railroad Street to BNSF	4,150	4,470	6,020
S-213, North City Limits	2,370	2,555	3,440

Source: Montana Department of Transportation, compiled by David Evans and Associates, Inc.

Delays at railroad crossings. Train and vehicle traffic were observed for approximately eight hours in December 2002 at the existing S-213 (Central Avenue) railroad crossing to measure traffic queuing and delay associated with the BNSF Railway crossings. Fourteen train crossings were witnessed in this time period, with the average train pulling or pushing 96 cars. The average vehicle queue on either the northbound or southbound approach was eight vehicles, with the maximum (16 vehicles) documented on the southbound approach. The average delay per vehicle was approximately two minutes, with some individual vehicles delayed by over four minutes.

Recent FRA railroad crossing data indicates that approximately 40 trains per day pass through Cut Bank on the BNSF Railway. Trains have been witnessed to block the Central Avenue crossing for up to 20 minutes (BNSF has a commitment to not block the crossing by more than 20 minutes).

Figure 3.1 Regional Transportation Setting

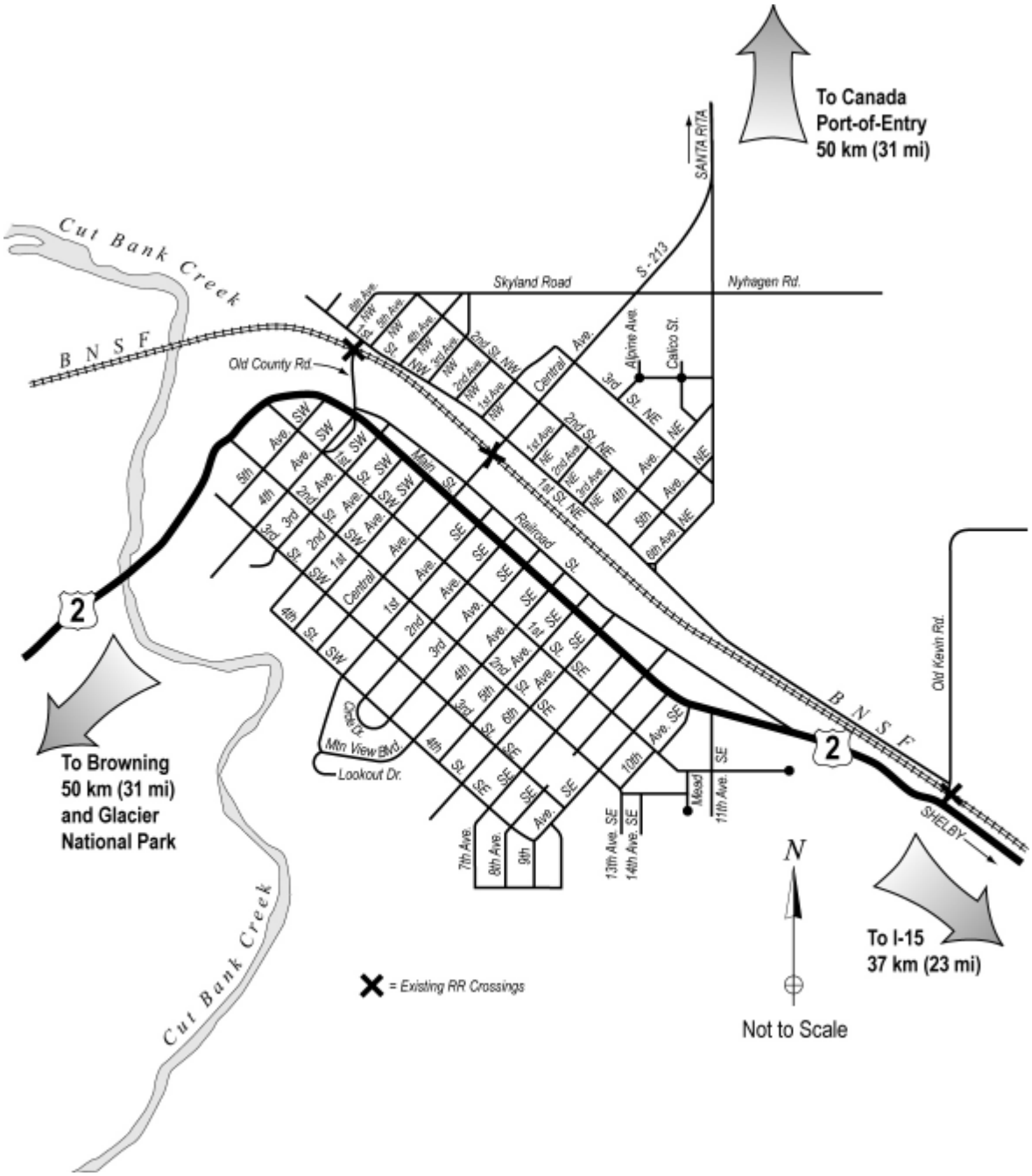
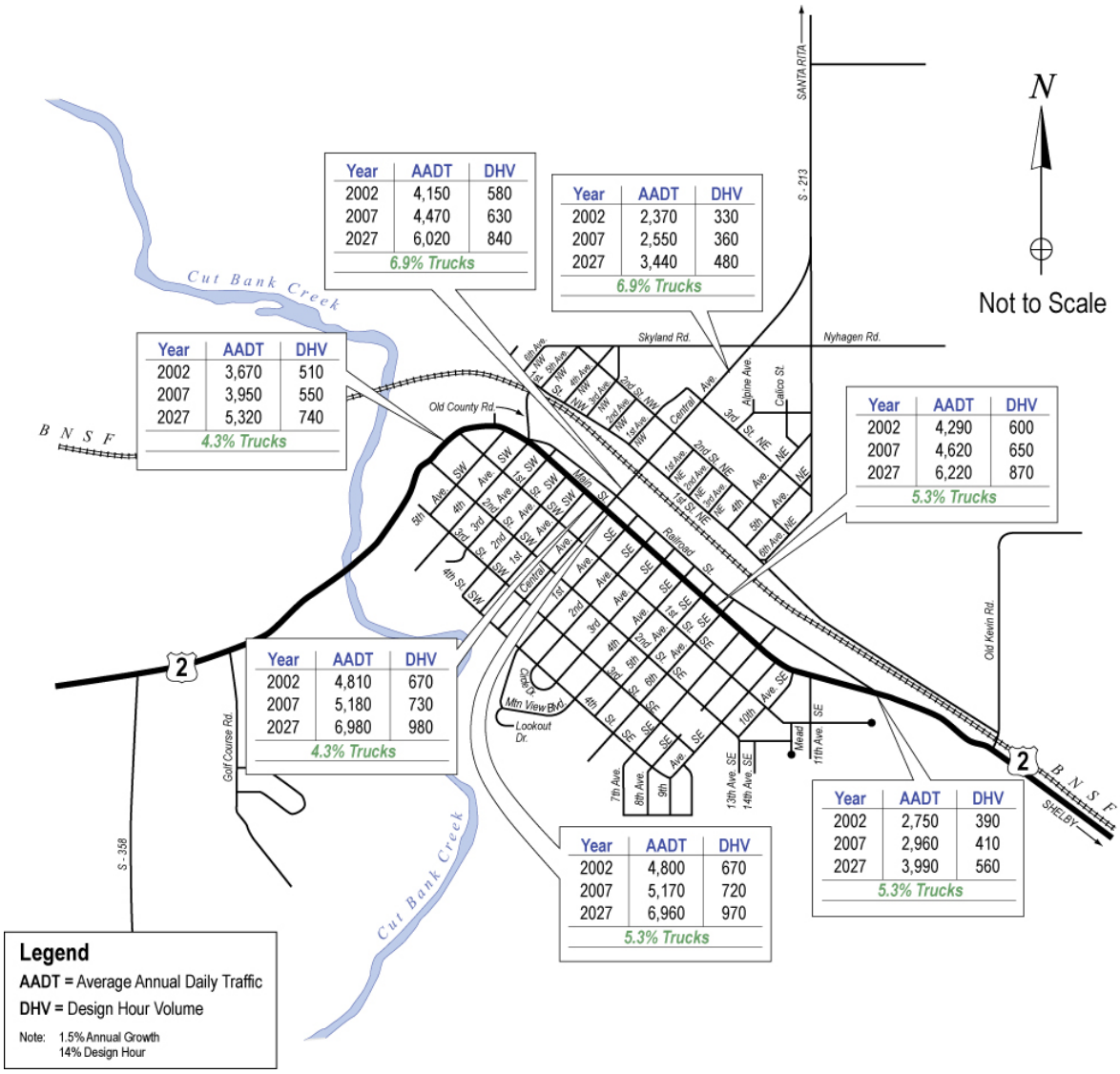


Figure 3.2 Summary of Existing and Projected AADT, DHV and Truck Percentages (No Build Alternative)



Source: Preliminary Traffic Engineering and Geometrics Report, May 2003, David Evans and Associates, Inc.

Access

Existing S-213 and US 2 highway segments in the vicinity of Cut Bank are not designed as limited access facilities, but do require approach permits from MDT for driveways and minor street accesses. The planned Cut Bank West project will include raised medians along US 2 in the vicinity of the Cut Bank West Overpass project. Local roadways also have no access restrictions. County Road 462 (Skyland Road) functions as a local street through the residential area in northern Cut Bank, with no access restrictions. Railroad Street is not governed by access restrictions.

The Albertsons shopping center is located north of US 2 (Main Street) and west of Old County Road, and is accessed by US 2 and Old County Road. The Old County Road access is used by truck traffic going to and from the Albertsons loading docks. Old County Road (south of the BNSF Railway) also serves businesses in the area.

Crash History

Roadways. An analysis of crash history data from 2001 to 2005 indicates that crash and crash severity rates on the existing S-213 corridor are below the statewide average for similar roadways (3.66 compared to 5.88 crash rate, and 4.23 compared to 10.11 crash severity rate). This analysis also indicates that the crash and severity rates on US 2 through the project area in Cut Bank are somewhat below statewide averages for similar roadways. These rates are summarized in Table 3.2

Table 3.2 Crash and Crash Severity Rates (2001 – 2005)

	US-2 (Main Street) West of Cut Bank to East of Cut Bank [4] (RP 254.00 to 257.00)	S-213 (Central Ave.) North of US-2 [5] (RP 0.00 to 0.80)	Statewide Average [6] for NHS Non-Interstate and State Primary Routes within All Cities with a Population of > 5,000
Crash Rate [1]	4.22	3.66	5.88
Crash Severity Index [2]	1.66	1.15	1.72
Crash Severity Rate [3]	7.01	4.23	10.11

Notes:

(1) The Crash Rate is defined as the number of accidents per million vehicle-miles.

(2) The Crash Severity Index is defined as the ratio of the sum of fatal and incapacitating injury crashes times 8, plus the number of other injury crashes times 3, plus the number of property damage crashes compared to the total number of crashes.

(3) The Crash Severity Rate is defined as the crash rate multiplied by the severity index.

(4) US 2 is a NHS Non-Interstate Highway.

(5) S-213 is a Secondary Highway.

(6) Average for Years 2001 to 2005, using data from Montana's 14 largest cities. The Statewide Rates for NHS Non-Interstate versus State Primary Highways within cities did not vary appreciably, so the rates for the combined highway classes were used. No data for Secondary Highways within cities was available.

Source: Montana Department of Transportation.

BNSF Railway Crossings. According to accident data from the Federal Railroad Administration, Office of Safety Analysis, between 1980 and 2006 there have been a total of six (6) accidents involving both a train and automobile at the three at-grade railroad crossings in Cut Bank. Only one accident in this time period resulted in injury. With fewer fatalities and injuries, the severity index for the crossings in Cut Bank is lower than the statewide average because the majority of accidents resulted in property damage only.

Pedestrians/Bicycles

Pedestrian and bicycle crossings of the BNSF Railway are another safety concern. Table 3.3 provides pedestrian crossing volumes at the Old County Road at-grade railroad crossing for the peak hours of a typical weekday.

Table 3.3 Pedestrian Crossings at Old County Road (5th Avenue NW)

Time Period (peak hours of a typical weekday)	Number of Pedestrian Crossings
AM Peak	3
Mid Day Peak	4
School Peak	3
PM Peak	7

Source: Data collected by Thomas, Dean & Hoskins, Inc., compiled by David Evans and Associates, Inc.

Impacts

No Build Alternative Impacts. Under the No Build Alternative, the roadways in the project area would not be reconstructed. Existing S-213 would not be rerouted; therefore there would be no change to existing traffic patterns or access. Existing vehicular, pedestrian and bicycle safety concerns and traffic delays associated with the at-grade railroad crossings would continue. Accident numbers and traffic delays are anticipated to increase corresponding to expected increases in traffic volumes through 2027. The predicted increase in traffic volumes on Central Avenue may contribute to increased congestion in the downtown area.

Build (Preferred) Alternative Impacts. The rerouting of existing S-213 and construction of a grade-separated overpass over the BNSF Railway would likely increase traffic volumes on the proposed Skyland Road/S-213 alignment and maintain or decrease volumes on Central Avenue through 2027 (Table 3.4). The alternative would be expected to lead to an overall change in traffic patterns, reduction in delays, and improvement in travel time while providing the city with a safer travel route between the southern and northern portions of town.

A grade-separated crossing of the railroad is also expected to improve emergency response travel time and reliability. Emergency vehicles would no longer be delayed by trains passing or stopping at crossings, and they would not need to travel on longer, less direct routes to avoid blocked train crossings. The provision of the grade separation would result in the elimination of the Old County Road crossing and closure of a portion of Old County Road. Traffic from this route would travel on the new overpass or on Central Avenue instead.

Construction of a grade-separated railroad overpass would cause a redistribution of trips within Cut Bank due to a more predictable travel route for north-south traffic. Table 3.4 provides a summary of existing and projected AADT volumes for the No Build Alternative and Build (Preferred) Alternative on Central Avenue and realigned S-213 (Skyland Road) within Cut Bank. In 2007 and 2027 with the Build (Preferred) Alternative, projected traffic volumes on Central Avenue would decrease from or be similar to 2002 traffic volumes due to traffic diverted to the realigned S-213. Projected traffic volumes on realigned S-213 (Skyland Road) would increase more than 15 times the current volume in 2007 (from approximately 100 vehicles per day to over 1,500 vehicles per

day) and more than 20 times the current volume in 2027 (from approximately 100 vehicles per day to over 2,000 vehicles per day).

Table 3.4 Summary of Existing and Projected AADT and Percent Trucks on Skyland Road and Central Avenue

	2002	2007 AADT		2027 AADT	
Roadway Segment	Existing AADT/% Trucks	No Build Alternative AADT/% Trucks	Build (Preferred) Alternative AADT/% Trucks	No Build Alternative AADT/% Trucks	Build (Preferred) Alternative AADT/% Trucks
Skyland Road, west of 3rd Ave. NW	130[1]/ 0% trucks	140/ 0% trucks	2,110/ 6.9% trucks	190/ 0% trucks	2,840/ 6.9% trucks
Skyland Road, east of 3rd Ave. NW	100[1]/ 0% trucks	110/ 0% trucks	1,550/ 6.9% trucks	145/ 0% trucks	2,100/ 6.9% trucks
Central Ave., 1st Street NW/NE to Railroad Street	4,150/ 6.9% trucks	4,470/ 6.9% trucks	3,110/ 6.9% trucks	6,020/ 6.9% trucks	4,190/ 6.9% trucks
Central Ave., S-213 to 3rd Street NE	2,370/ 6.9% trucks	2,550/ 6.9% trucks	1,040/ 6.9% trucks	3,440/ 6.9% trucks	1,400/ 6.9% trucks

[1] Field counts taken December 2002 by David Evans and Associates. Seasonal factor applied to determine average annual daily traffic volume.

Source: Montana Department of Transportation

Figure 3.3 illustrates the existing predominate traffic flow directions in the northwest neighborhood area. The changes in traffic patterns and redistribution of trips resulting from the Build (Preferred) Alternative are illustrated in Figure 3.4. Vehicles traveling to the high school or hospital from the north may have a quicker route with the Build (Preferred) Alternative. The Build (Preferred) Alternative may also reduce congestion downtown, as a greater number of vehicles may utilize the rerouted S-213, rather than Central Avenue, because of the convenience and safety of the overpass.

Under the Build (Preferred) Alternative the nature of Skyland Road would change from its current rural residential collector status to urban minor arterial. Intersecting neighborhood streets including 1st Street NW and 2nd Street NW would benefit from reduced cut-through traffic due to traffic focused on the improved S-213 route. The new road's typical section would be changed to safely accommodate the forecasted traffic flows of up to 3,000 vehicles per day by 2027. The typical section would feature shoulders in the section east of Skyland Road and 3rd Avenue NW, and shoulders, curbs, and a south sidewalk in the section west of Skyland Road and 3rd Avenue NW. A sidewalk and improved intersections would address potential future pedestrian and school safety concerns along Skyland Road.

Figure 3.3 Existing Northwest Neighborhood – Predominant Traffic Patterns

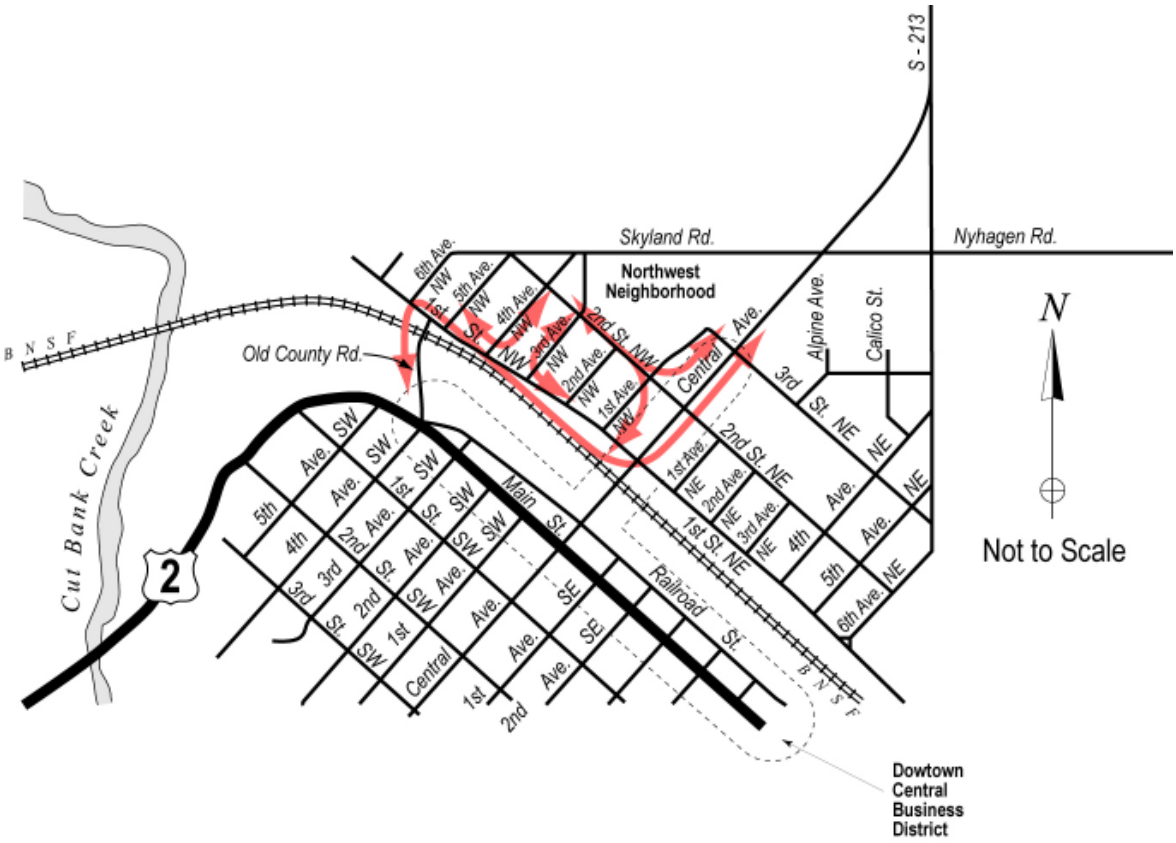
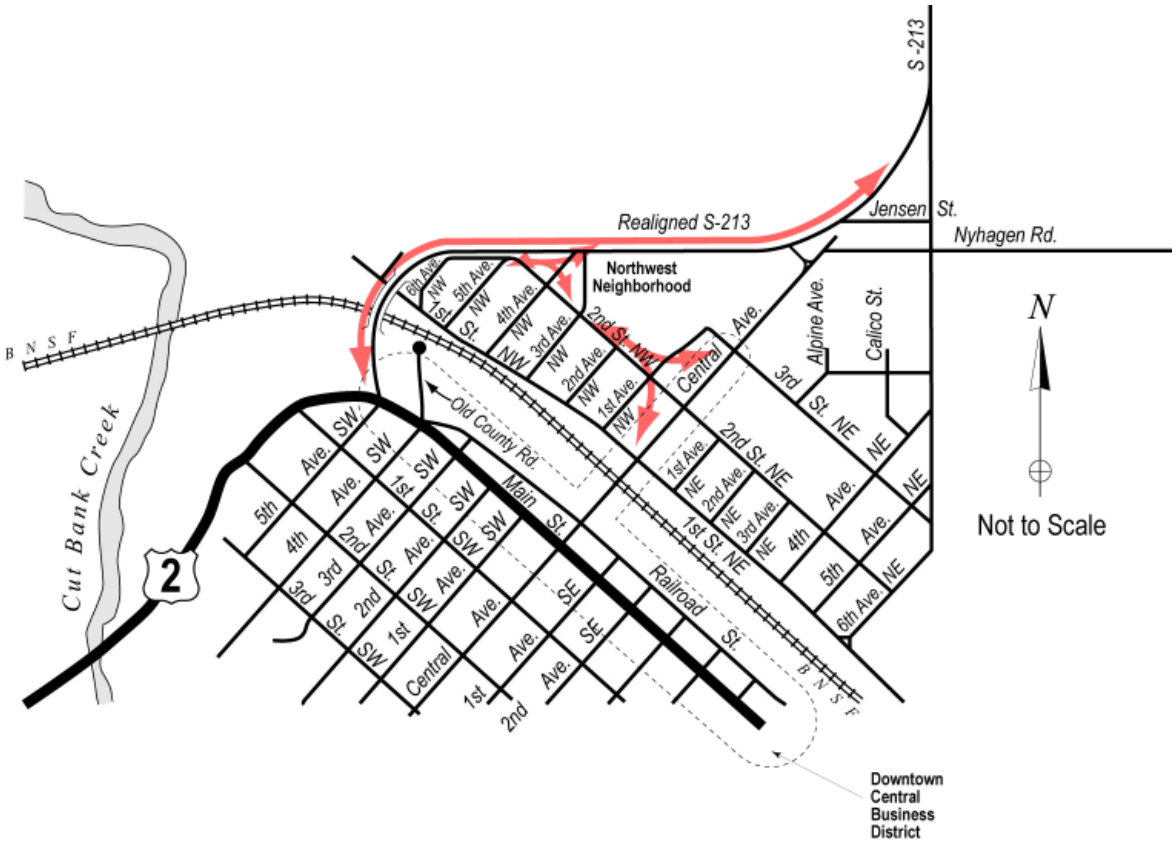


Figure 3.4 Future Northwest Neighborhood – Predominant Traffic Flows Resulting From Build (Preferred) Alternative



A relatively small number of agricultural trucks are expected to use the (proposed) Skyland Road/S-213 and overpass. Agricultural truck traffic would likely continue to use Central Avenue to access the grain elevators.

School bus traffic is expected to divert to the new railroad overpass in order to avoid crossing at the at-grade railroad crossings. The extent of this diversion would depend upon the adoption of future policies regarding school bus routes by the Cut Bank School District.

The proposed realignment of S-213 would operate under regulated access control, the least restrictive form of access control in the Montana Road Design Manual. In order to improve existing conditions, there would be some access-related changes. There are some opportunities to consolidate existing access along the existing Skyland Road corridor and existing S-213/Central Avenue north of 3rd Street NE, but most access locations would remain in place. Access to Soroptomist Park would be reconfigured by way of a designated driveway into the parking lot. The driveway may intersect with 3rd Avenue NW rather than Skyland Road/S-213. This will be determined during final design. Some portions of raised medians constructed in the Cut Bank West project would be modified to function properly with this project.

Elimination of the Old County Road at-grade crossing would change access to the neighborhood north of the tracks. Instead of accessing the neighborhood via Old County Road, traffic would be diverted to the new S-213 alignment or to Central Avenue. Access to the realigned S-213 from 5th Avenue NW and 2nd Street NW would not be provided. However, neighborhood traffic would still be able to circulate through other streets and alleys in this neighborhood as usual. Figure 3.5 illustrates the future access concept along the new S-213 corridor.

Access would change to several businesses due to the closure of the Old County Road railroad crossing. North of this crossing, the Cut Bank Greenhouse and Floral business at the corner of 1st Street NW and 5th Avenue NW would no longer have direct commercial access from Old County Road. Access to this business would be limited to the rerouted S-213 on Skyland Road via the connecting residential streets or from Central Avenue via 1st Street NW.

Businesses south of the tracks include the Albertsons shopping center commercial area and the unoccupied Winner's Circle, on the west, and the Keesun/Finstad office building on the east (Figure 2.5). Closure of the Old County Road railroad crossing would require out-of-direction travel from the neighborhood north of the tracks to these businesses. The access drive to Albertsons side parking lot and loading dock would remain in place and remain connected to Old County Road. The proposed overpass would span Albertsons rear access drive, which is located 116 m (380 ft) north of the proposed S-213 intersection.

Realignment of the intersection of US 2/Railroad Street/Old County Road would require additional ROW to accommodate the necessary traffic turning movements. Acquisition of this ROW would result in the displacement of the car wash located in the triangular block between US 2/Main Street and Railroad Street. Vehicular access to this parcel would also be removed.

The potential for future accidents in Cut Bank between trains and motor vehicles, including trucks and school buses, would be reduced with the construction of the proposed S-213 railroad overpass. Residents in the northwest neighborhoods of Cut Bank would no longer need to use the Old County Road or Central Avenue at-grade railroad crossings to travel between their homes and the southern sections of Cut Bank. In addition, the many daily cross-town trips made by Cut Bank School buses can use the railroad overpass, avoiding the potential for a school bus-train collision at the at-grade railroad crossings.

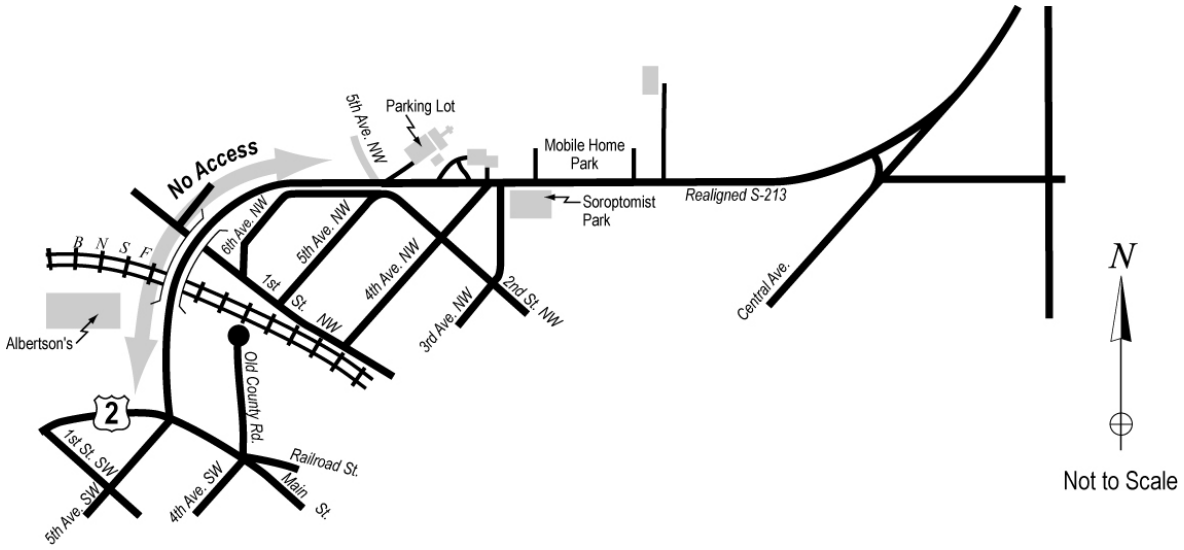
The proposed overpass structure would be located along the western half of 6th Avenue NW on property owned by MDT. A proposed design element for the overpass would be the application of low retaining walls to contain the fill required by the structure. The proposed retaining walls would allow 6th Avenue NW to remain open for traffic and emergency service circulation. The residents on the eastern side of the block would continue to have street and alley access to their properties. Construction of a grade-separated overpass would allow pedestrians and bicycles to cross over the railroad tracks without danger of incident with a passing train.

Mitigation

MDT will coordinate with adjoining property owners during final design to discuss access issues.

Traffic signs would be installed as part of an overall signage plan in accordance with the MUTCD "Manual of Uniform Traffic Control Devices" and MDT's policies and practices to direct southbound S-213 travelers to the Cut Bank business district via Central Avenue and the new overpass.

Figure 3.5 Planned Access Concepts Along the New S-213 Corridor



3.2 ENVIRONMENTAL

Vegetation

A vegetation and noxious weeds evaluation was conducted on August 20 and 21, 2003 to evaluate vegetation types and distribution throughout the project area (DEA 2003). The overall landscape consists primarily of planted grass on roadside shoulders, small areas of farmland, and ornamental shrubs and trees in the right-of-way and at the edge of private lawns. Three distinct vegetation types were identified along the project corridor:

- **Roadside upland** vegetation generally consists of western wheatgrass (*Agropyron smithii*), crested wheatgrass (*Agropyron cristatum*), blue grama (*Bouteloua gracilis*), Idaho fescue (*Festuca idahoensis*), hairy goldenaster (*Chrysopsis villosa*), annual sunflower (*Helianthus annus*), arrowleaf balsamroot (*Balsamorhiza sagittata*), prairie pepperwood (*Lepidium densiflorum*), salsify (*Tragopogon dubius*), field pennycress (*Thlaspi arvense*), goldenrod (*Solidago*), silverleaf scurfpea (*Psoralea argophylla*), American vetch (*Vicia americana*), cudweed sagewort (*Artemisia ludoviciana*), kochia (*Kochia scoparia*), spotted knapweed (*Centaura maculosa)*, St. John's wort (*Hypericum*), sulfur cinquefoil (*Potentilla recta*), leafy spurge (*Euphorbia esula*) and Missouri goldenrod (*Solidago missouriensis*).
- **Riparian and wetland areas** of the creeks and drainages consist primarily of vegetation such as green ash (*Fraxinus pennsyulvanica*), chokecherry (*Prunus virginiana*), sandbar willow (*Salix exigua*), Snowbrush ceanothus (*Ceanothus velutinus*), Western snowberry (*Symphoricarpos occidentalis*), redtop (*Agrostis alba*), showy milkweed (*Asclepias speciosa*), foxtail barley (*Hordeum jubatum*), threadleaf sedge (*Carex filifolia*), curly dock (*Rumex crispus*), cattails (*Typha latifolia*), downy brome (*Bromus tectorum*), softstem bullrush (*Scirpus validus*), and reed canarygrass (*Phalaris arundinacea*).
- **Irrigated and cultivated farmland** in the project area consists of primarily wheat (*Triticum*), foxtail barley (*Hordeum jubatum*), hay, and pasture (USDA, Soil Conservation Service, 1980).

None of the plant species associated with these vegetation types are U.S. Fish and Wildlife Service (USFWS) threatened, endangered, or candidate species; Montana Natural Heritage Program (MTNHP) species of concern; or Montana State sensitive plant species.

Four state-listed noxious weeds were observed in the project area during the field evaluations, including spotted knapweed (*Centaura maculosa*), St. John's wort (*Hypericum*), sulfur cinquefoil (*Potentilla recta*), and leafy spurge (*Euphorbia esula*).

Impacts

No Build Alternative Impacts. Under the No Build Alternative, there would be no impact to vegetation communities in the project area, and the potential for noxious weed infestations would remain the same.

Build (Preferred) Alternative Impacts. The proposed project may affect the vegetation found in the project area, but is not expected to be substantial. The effect is not likely to contribute to a trend toward Federal listing or state listing, or a decrease in viability those species. Some existing plant species may be permanently removed from within areas of the project footprint (approximately 6.9 ha (17.0 ac) of new disturbance). Some areas would have the existing plant species removed during grading and other construction activities.

There would be a potential increase in noxious weeds from the proposed project because of the additional area of disturbance, but it is not expected to substantially increase the amount or distribution of noxious weeds in the project area.

Mitigation

Disturbed areas within MDT right-of-way or easements will be revegetated with desirable plant species as recommended and determined feasible by the MDT Botanist.

Wildlife and Fisheries

Terrestrial Resources

Montana Species of Special Concern. According to correspondence letters from Montana Fish, Wildlife and Parks (MFWP) (May 2003) and from the MTNHP (February 2003), there are no state sensitive terrestrial species and no records of species of special concern in the project area. There were no observed occurrences of such species during the field evaluation on August 20 and 21, 2003.

Rural and Urban Wildlife. Wildlife species within the vicinity of the proposed project are typical of residential habitats. Species such as striped skunk (*Mephitis mephitis*), voles (*Microtus*), shrew (*Sorex*), mice, raccoons (*Procyon lotor*), rats, deer (*Odocoileus virginiana*), coyote (*Canis latrans*), bobcat (*Felis rufus*), rabbits, porcupine (*Erethizon dorsatum*), badger (*Taxidea taxus*), raptors, red fox (*Vulpes vulpes*), ground squirrels (*Citellus*) and other open forest and grassland animals are most likely to inhabit the project area.

Migratory Birds. Upland game birds may be present in the vicinity, but none were observed during the field visit. Several western neighborhood bird species, such as American robin (*Turdus migratorius*), black-capped chickadee (*Poecile atricapillus*), common crow (*Corvus brachyrhynchos*), song sparrow (*Melospiza melodia*), mountain bluebird (*Sialia currucoides*), northern flicker (*Colaptes auratus*), mourning dove (*Zenaida macroura*), common poorwill

(*Phalaenoptilus nuttallii*), chimney swift (*Chaetura pelagica*), swallows (*Hirundo*), black-billed magpie (*Pica pica*), gray catbird (*Dumetella carolinensis*), northern mockingbird (*Mimus polyglottos*), black-headed grosbeak (*Pheucticus melanocephalus*), and common grackle (*Quiscalus quiscula*) are likely to occur in the project corridor.

Mallards (*Anas platyrhynchos*) were observed in the open water portion of Old Maids Coulee, but no ponds or open water habitats are in the project area. No bridges are present in the project area and no cliff swallows (*Hirundo pyrrhonota*) were observed during the field visit.

Although migratory bird nests may be located adjacent to the existing road or in the project corridor, none were observed during the field survey. Most of the bird species would be found near the riparian habitat of Cut Bank Creek and Old Maids Coulee, located outside the project area.

Raptors may occur in the project corridor including the red-tailed hawk (*Buteo jamaicensis*), northern harrier (*Circus cyanues*), great horned owl (*Bubo virginianus*), and American kestrel (*Falco sparverius*), but none were observed during the field visit.

Reptiles and Amphibians. Reptiles and amphibians known to inhabit Glacier County include the following species: short-horned lizard (*Phrynosoma douglassii*), western terrestrial garter snake (*Thamnophis sirtalis)*, eastern racers (*Coluber constrictor)*, gopher snakes (*Pituophis catenifer)*, plains garter snake (*Thamnophis radix)*, and western rattlesnake (*Crotalus viridis*). No MTNHP sensitive reptiles or amphibians species occur in the study area.

Bat Species. No bat species were observed during the site visit. The only bat species that may inhabit the study area is the big brown bat (*Eptesicus fuscus)*. This species is not considered a USFWS threatened or endangered species or a MFWP sensitive species, or a MTNHP species of concern.

Aquatic Resources

Montana Species of Special Concern. According to a correspondence letter from MFWP (2003) and from MTNHP (2003), there are no aquatic resource concerns in the project area. Burbot, a MTNHP species of concern, occurs in Cut Bank Creek outside the project area.

Other Aquatic Species. No rivers or fish-bearing streams are located in the project area and none would be affected by the proposed project. Cut Bank Creek is located approximately 0.4 km (0.25 mi) away from the project area, on the western side of the city. Storm water from the project area would not drain directly into Cut Bank Creek. Cut Bank Creek contains the following fish species: brown trout (*Micropterus dolomieui*), burbot (*Lota lota*), emerald shiner (*Notropis atherinoides*), flathead minnow (*Pimephales promelas*), flathead chub (*Platygobio gracilis*), longnose dace (*Rhinichthys cataractae*), longnose sucker (*Catostomus catostomus*), mottled sculpin (*Cottus bairdii*), mountain sucker (*Catostomus platyrhynchus*), mountain whitefish (*Prosopium williamsoni*), rainbow trout (*Oncorhynchus mykiss*), and white sucker (*Catostomus commersoni*). Of these species, none are U.S. Fish and Wildlife Service (USFWS) listed threatened, endangered or candidate species. However, as described above, burbot is a MTNHP species of concern.

Impacts

No Build Alternative Impacts. The No Build Alternative would not alter habitats or affect wildlife populations beyond existing conditions. Therefore, no impacts to wildlife and fisheries would result.

Build (Preferred) Alternative Impacts. The activities associated with the proposed project would be contained primarily within the existing city-owned right-of-way in the developed portion of the City of Cut Bank, where habitat disturbance is currently high. There are no indicators of active wildlife corridors for this proposed project. The indirect impacts of habitat fragmentation, water quality degradation, and invasion of non-native plants would be minimal because most of the effects caused by the roadway have been realized, and the land is not considered prime habitat. Therefore, the proposed project may impact terrestrial resources, but is not likely to contribute to a trend toward Federal listing or loss of viability of those species.

The proposed project would have no effect on aquatic species.

According to a correspondence letter from MFWP (2003) and from MTNHP (2003), there are no State-sensitive terrestrial species and there are no records of species of special concern in the project area and no occurrences of such species were observed during the site visit. Therefore, there would be no impacts to MFWP State sensitive or MTNHP terrestrial species of concern.

Mitigation

No mitigation would be required.

Threatened and Endangered Species

The Endangered Species Act (ESA) directs federal agencies to ensure that actions authorized, funded, or carried out by them are not likely to jeopardize the existence of threatened, endangered, or candidate species, nor result in the destruction or modification of their critical habitat. Procedures outlined by the U.S. Fish and Wildlife Service (USFWS) were followed in determining if threatened, endangered, or candidate species occur in the vicinity of the proposed project, including agency consultation and a review of published and unpublished literature for threatened, endangered, and special status species. According to correspondence from the USFWS (2003), there is no current or anticipated occurrence of listed, proposed, or candidate species in the project area.

Impacts

No Build Alternative Impacts. There would be no effect on threatened, endangered, proposed, or candidate species, nor any critical habitat under the No Build Alternative.

Build (Preferred) Alternative Impacts. Because there is no occurrence or anticipated occurrence of listed, proposed, or candidate species in the project area, there would be no effect on threatened, endangered, proposed, or candidate species or critical habitat.

Mitigation

No mitigation would be required.

Wetlands

Wetlands are regulated by Section 404 of the Clean Water Act, Executive Order (E.O.) 11990 Protection of Wetlands and E.O. 11998 Floodplain Management. The U.S. Army Corps of Engineers (COE) is the primary regulating agency for wetlands in Montana and makes final determinations regarding jurisdiction of wetlands.

Research Methods. On August 20 and 21, 2003, a wetland delineation was conducted in the project area to determine the presence and extent of wetlands along the proposed project area. Details of the wetland delineation are included in the Cut Bank Overpass Draft Biological Resources Report dated October 3, 2003.

The *National Wetland Inventory* (NWI) map does not identify any wetlands in the project area. However, the map does identify Old Maids Coulee, located approximately 0.8 km (0.5 mi) north of the project area and Cut Bank Creek, located approximately 0.4 km (0.25 mi) west of the project area. Two wetlands (A and B) were noted during the site investigation (see Figure 3.6). Wetland A is a topographical depression and a natural water feature associated with Old Maids Coulee. The topography generally slopes into Old Maids Coulee and a culvert is located under existing S-213 which allows the water to flow to Cut Bank Creek, located approximately 2.4 km (1.5 mi) west of Wetland A. Wetland B is a non fish-bearing storm water run-off ditch (Bums Coulee) that flows west to Cut Bank Creek.

Functional Value Assessment. The wetland areas were evaluated for functional value according to the MDT Montana Wetland Assessment Form. There are four functional categories for wetlands:

- Category I wetlands are high quality Natural Heritage Wetlands.
- Category II wetlands are more common than Category I wetlands, and provide habitat for sensitive plants or animals, function at very high levels for wildlife/fish habitat, are unique in a given region, or are assigned high ratings for many of the assessed functions and values.
- Category III wetlands are more common, generally less diverse, and often smaller and more isolated than are Category I and II wetlands. They can still provide many functions and values, although they may not be assigned high ratings for as many parameters as Category I and II wetlands.
- Category IV wetlands are generally small, isolated, lack vegetative diversity, provide little in the way of wildlife habitat, and often have been disturbed.

Wetland A was rated as a Category III wetland and Wetland B was rated as a Category IV wetland.

Figure 3.6 Wetlands in the Project Vicinity

Impacts

No Build Alternative Impacts. Under the No Build Alternative, no direct impacts to wetlands would occur.

Build (Preferred) Alternative Impacts. Wetland A is located approximately 9.1 m (30 ft) from the disturbance boundaries north of the proposed project area. This wetland would not be filled, altered or directly impacted during construction.

Approximately 30.0 sq. m. (0.007 ac) of Wetland B would be located under the overpass. The preliminary design for the proposed project avoids the wetland, which would not be filled, altered or directly impacted during construction.

Mitigation

No mitigation would be required.

Water Resources and Water Quality

One drainage ditch is located at the west end of the project area. It flows west along the BNSF Railway tracks past Sixth Avenue and about 100 yards north of the tracks where it meanders down the slope draining into Cut Bank Creek just south of Old Maids Coulee.

Several wells are located near the project corridor, two on private property, and one in the alignment east of existing S-213 and just north of Nyhagen Road. Two wells are also located near the western end of the proposed project, between the BNSF Railway tracks and Railroad Street, northeast of 3rd Avenue SW.

Irrigation activity has occurred in the past on a property located on the west side of existing S-213, near the eastern terminus of the project area. Water sources for this irrigation location are groundwater and Old Maids Coulee.

Impacts

No Build Alternative Impacts. No impact.

Build (Preferred) Alternative Impacts. Several wells may require relocation to outside of the area of disturbance.

Mitigation

Private wells may require relocation to locations outside of the area of disturbance.

Floodplains

Although the western border of the City of Cut Bank lies just east of Cut Bank Creek, the city is located approximately 150 feet above the creek bed, which would place it outside a flood hazard area. (Personal Communication Jim Suta, Public Works Director, Cut Bank. March 20, 2003). There are no other floodplains or floodways in the project area.

Impacts

No Build Alternative Impacts. There would be no impact to floodplains.

Build (Preferred) Alternative Impacts. There would be no impact to floodplains.

Mitigation

No mitigation would be required.

Cultural and Historic Resources

Cultural resources are defined in Section 301 (5) of the National Historic Preservation Act (NHPA) of 1966, as amended, as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places" (16 UCS 470W). Established criteria (36 CFR 63) are used to determine if a cultural resource is eligible for listing on the NRHP. A property must possess integrity of location, design, setting materials, workmanship, feeling, and association and meet at least one of the following criteria:

(a) Association with events that have made significant contribution to the broad patterns of history, or

(b) Association with historically significant persons, or

(c) Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant distinguishable entity whose components may lack individual distinction, or

(d) Has yielded, or may be likely to yield, information important in prehistory or history

Acting in compliance with federal guidelines, including Sections 106 of the NHPA and regulations at 36 CFR 800, a Class III cultural resources inventory was conducted for this corridor in June 2003. The inventory was revised in January 2004 by Aaberg Cultural Resource Consulting Service to reflect an expanded study area encompassing portions of both sides of Railroad Street near its intersection with US 2/Main Street, and portions of both sides of US 2/Main Street between 3rd Avenue SW and 5th Avenue SW. These inventories identified resources listed on or eligible for listing on the NRHP.

Segments of the BNSF Railway line (24GL191), which passes through the Cut Bank Overpass project corridor, were first recorded in Glacier County by Gar C. Wood in 1991 for a project on the Blackfeet Reservation.

Ethos Consultants, Inc. of Havre, Montana, and RTI of Butte, carried out a Class III cultural resource survey along US 2 within the Blackfeet Reservation, westward from the west edge of Cut Bank in 1990. The Ethos/RTI project documented two historic farmsteads west of Cut Bank, well outside the Overpass project corridor.

Joseph M. Ashley of Montana State University recorded several historic sites in 1993 on "Montana Roadside Architectural Inventory" forms. These sites include the M&M Drive-In (24GL227), Parkway Motel (24GL231), First Liberty Credit/Conoco Station (24GL232), Jacobson Motors (24GL234) and Glacier Motor Company (24GL235).

In the initial 2003 Cultural Resource Inventory, eight historic properties (constructed between 1901 and 1950) were recorded within the survey corridor. One previously recorded historic site, the Burlington Northern and Santa Fe (BNSF) Railway line (24GL191) was found to occur within the project corridor. No archaeological properties were found in the project area. One previously recorded site, Glacier Motor Company (24GL235) was found to occur very close to the project corridor but would not be affected by the proposed road reconstruction.

The 2004 Addendum to the Cultural Resource Inventory recorded 11 additional historic sites constructed between 1917 and 1957. Four of the sites were previously recorded (24GL227 – M&M Drive-Inn, 24GL231 – Parkway Motel, 24GL232 – First Liberty Credit/Conoco Station, and 24GL235 - Glacier Motors). Seven of the documented sites occur on the south side of US 2/Main Street (24GL227, 24GL231, 24GL232, 24GL235, 24GL1095, 24GL1096, and 24GL1097). Two occur on the north side of US 2/Main Street (24GL1094 and 24GL1098). Two sites occur on the north side of Railroad Street (24GL1099 and 24GL1100). No prehistoric archaeological properties were found in the expanded project area. See Table 3.5 for descriptions of the sites.

Resource Inventory

The primary objective of the Class III inventory of the project area was to locate and describe cultural resources along the proposed reroute of S-213. The secondary objective was to

accomplish National Register of Historic Places evaluations of those sites found within the project area.

A pedestrian inventory of the project area was conducted walking two 30 m (100 ft) transects on both sides of the road in a corridor 38 m (125 ft) from the proposed route centerline. The corridor was expanded to 91 m (300 ft) either side of the route centerline on the east and west ends of the project corridor. Newly recorded sites and previously recorded sites were recorded or updated on Montana Cultural Resources Information System forms. Coordination with the Blackfeet was undertaken as part of the resource inventory.

In total, 20 historic sites were investigated and four were determined eligible for listing on the NRHP.

National Register of Historic Places (NRHP) Status

2003 Inventory. The eight previously unrecorded historic sites investigated in the 2003 Inventory occur in the Jacobson Addition along the western portion of the proposed reroute for S-213 and are generally residential in nature. The eight sites recorded are recommended as not eligible for listing in the NRHP (Table 3.5). State of Montana's Historic Preservation Office (SHPO) concurred with these findings (Appendix D). A determination of National Register eligibility for one previously recorded site (BNSF Railway/24GL191) was also made. The BNSF Railway was found to be eligible per Criterion A.

2004 Inventory. Of the 11 additional sites in the 2004 inventory, three were found to be eligible for listing on the NRHP. Please see Figure 2.5 for locations of the three 2004 sites and the one 2003 site. Table 3.5 provides descriptions. SHPO concurred with these findings (Appendix D).

Table 3.5 Cultural or Historic Sites in the Cut Bank Overpass Project Corridor

Site Number/Name		Name/Description	NRHP Status
2003 Inventory – Jacobson Addition south of Skyland Road			
1	24GL1081	(CBO-34-2) Historic house (standing and occupied). Property located south of Skyland Road, east side of 5th Avenue NW.	Not Eligible
2	24GL1082	(CBO-35-4-5) Historic house and garage (standing and occupied). Property located on east side of 6th Avenue NW.	Not Eligible
3	24GL1083	(CBO-35-6) Historic garage/shop (standing and utilized-moved to this location). Property located on east side of 6th Avenue NW.	Not Eligible
4	24GL1084	(CBO-35-8) Historic house and shed (standing and occupied). Property located on east side of 6th Avenue NW.	Not Eligible
5	24GL1085	(CBO-35-24) Historic house and shop/garage (standing and occupied). Property adjacent to south side of Skyland Road, west of 3rd Avenue NW.	Not Eligible
6	24GL1086	(CBO-35-25) Historic house and attached garage (standing and occupied). Property adjacent to south side of Skyland Road, west of 3rd Avenue NW.	Not Eligible

Table 3.5 Cultural or Historic Sites in the Cut Bank Overpass Project Corridor (continued)

Site Number/Name		Name/Description	NRHP Status
2003 Inventory – Jacobson Addition south of Skyland Road (continued)			
7	24GL1087	(CBO-37-1-2) Historic house, garage, and shed (standing and occupied). Property adjacent to south side of Skyland Road, west of 3rd Avenue NW.	Not Eligible
8	24GL1088	(CBO-38-1) Historic house (standing and occupied). Property adjacent to south side of Skyland Road, west of 3rd Avenue NW.	Not Eligible
9	24GL191	BNSF Railway tracks (active line). Previously recorded site.	**ELIGIBLE** per Criterion A (MDT correspondence with SHPO, July 16, 2003)
10	24GL227	M&M Drive-In (a.k.a. Java Time). Previously recorded site. Historic commercial building (standing and occupied). Property located on south side of US 2/Main Street.	**ELIGIBLE** (MDT correspondence with SHPO, March 18, 2004)
11	24GL231	Parkway Motel. Previously recorded site. Historic commercial building (standing and occupied). Property located on south side of US 2/Main Street.	Not Eligible
12	24GL232	First Liberty Credit Union/old Conoco Service Station. Previously recorded site. Historic commercial building (standing and occupied). Property located on south side of US 2/Main Street.	Not Eligible
13	24GL235	Glacier Motors. Previously recorded site. Historic commercial buildings (standing and occupied). Property located on south side of US 2/Main Street.	Not Eligible
2004 Inventory Addendum – Sites near Proposed S-213/US 2 Intersection			
14	24GL1094	Glacier Club/AmVets/Winner's Circle Building. Historic commercial building (standing and generally unoccupied). Property located on north side of US 2/Main Street.	Not Eligible
15	24GL1095	Phillips House. Historic house and garage (standing and occupied). Property located on south side of US 2/Main Street.	Not Eligible
16	24GL1096	Prindle House. Historic house (standing and occupied). Property located on south side of US 2/Main Street.	**ELIGIBLE** (MDT correspondence with SHPO, March 18, 2004)
17	24GL1097	Jackson/Freed Residence. Two historic houses and detached garage (standing and occupied). Property located on south side of US 2/Main Street. *Note: the structures were removed by the owner in 2005.*	**ELIGIBLE** (MDT correspondence with SHPO, March 18, 2004). *Structures were removed in 2005.*
18	24GL1098	Cut Bank City Hall/old Standard Service Station. Historic commercial building (standing and occupied). Property located on north side of US 2/Main Street.	Not Eligible
19	24GL1099	Oil Field Lumber Company. Historic commercial buildings (standing and occupied). Property located on north side of Railroad Street.	Not Eligible

Table 3.5 Cultural or Historic Sites in the Cut Bank Overpass Project Corridor (continued)

Site Number/Name		Name/Description	NRHP Status
2004 Inventory Addendum – Sites near Proposed S-213/US 2 Intersection (continued)			
20	24GL1100	Keesun Building. Two historic commercial buildings (standing and occupied). Property located on north side of Railroad Street.	Not Eligible
	20 Sites Total	20 Historic Sites (15 newly recorded)	3 Sites Eligible (a fourth site was removed) 16 Sites Not Eligible

Source: Aaberg Cultural Resource Consulting Service, June 2003 Inventory and February 2004 Addendum

Impacts

Section 106 of the National Historic Preservation Act requires MDT to identify NRHP-eligible cultural resources within the project area and then to determine the effects of the proposed project on the NRHP-eligible cultural resources. For this proposed project, MDT identified 20 historic properties. Those properties are within the area of potential effect for the project alternatives, although one property (the Jackson/Freed residence 24GL1097) was removed by the owner in 2005 subsequent to the cultural resources survey.

MDT must determine whether the proposed project will have No Effect, No Adverse Effect, or Adverse Effect on each of these four NRHP-eligible historic properties. Adverse effect determinations require MDT to consult with the SHPO, Advisory Council on Historic Preservation, and other interested parties to develop a Memorandum of Agreement (MOA) or Programmatic Agreement (PA), which specify mitigation plans or alternatives to mitigate adverse effects.

No Build Alternative Impacts. None of the NRHP-eligible properties would be impacted by the No Build Alternative.

Build (Preferred) Alternative Impacts. Three NRHP-eligible properties are located in the vicinity of the proposed S-213 and US 2/Main Street intersection. These sites are the M&M Drive-In (a.k.a. Java Time, 24GL227), the Prindle House (24GL1096), and the BNSF Railway (24GL191). A fourth property, the Jackson/Freed Residence (24GL1097) was removed in 2005.

The M&M Drive-In is located approximately half a block south of US 2/Main Street. It is on a commercial lot immediately southwest of the proposed intersection of S-213 and US 2/Main Street. The proposed roadway improvements would bring the roadway approximately 1.0-m (3.2-ft) closer to M&M Drive-In, but the improvements would stay within the existing right-of-way and would not impact the NRHP-eligible property.

The Prindle House is located south of US 2/Main Street between 3rd Avenue SW and 4th Avenue SW. There would be no right-of-way impacts from the proposed Cut Bank Overpass project to the NRHP-eligible Prindle House (24GL1096).

The segment of the BNSF Railway (24GL191) potentially affected by the proposed Cut Bank Overpass project does not have any ancillary historic features (e.g. depots or bridges) associated with the BNSF line. The BNSF Railway would not be directly affected by the reroute since an

overpass would be constructed to facilitate crossing of the railroad tracks. A positive effect of the construction of the overpass would be the removal of one of the at-grade railroad crossings in the city – the crossing at Old County Road. A right-of-way easement would be required to construct the overpass, which would not result in the relocation of the railroad, or its abandonment.

Changes in the visual environment would result from the construction of the overpass structure, which would feature supporting walls, piers and columns crossing the BNSF Railway. The neighborhood in the Jacobson Addition just south of Skyland would have altered views looking south and southwest due to the overpass. Views from US 2/Main Street would have altered views looking north, northeast and northwest. Overall, the effects on the visual landscape would be readily detectable and long-term, but would be localized to the area surrounding the proposed project. Noise from traffic or trains is not predicted to change and would not have an indirect impact on these sites.

FHWA/MDT's assessment of the NRHP-eligible sites in the project corridor is that there would be no effect. See MDT's September 1, 2004 determination of effect letter to SHPO, with SHPO's concurrence (dated September 15, 2004), in Appendix D.

Mitigation

No mitigation would be required.

Parks and Recreational Facilities

One park is located within the project area. Soroptomist Park is adjacent to the south side of Skyland Road, and adjacent to the schoolyard north of the Anna Jeffries Elementary School. Soroptomist Park is owned by the school district. Parcel lines are not precisely known, but the City of Cut Bank's 2001 Zoning Map shows Soroptomist Park as an approximately 0.6 ha (1.6 ac) rectangular parcel contiguous to the Anna Jeffries Elementary School schoolyard. According to Mayor Marion Culleton (personal communication November 5, 2003), the city and the school district cooperatively maintain Soroptomist Park, although it is owned by the school district. A member of the Jeffries family sold the parcel that the park occupies to the school district in 1948. The park contains an informal ice skating rink, picnic tables, and tennis courts. A chain link fence encircles the park, and an undeveloped area lies between the fence and the edge of Skyland Road and 3rd Avenue NW. The undeveloped area outside the fence is approximately 16 m (52 ft) wide.

The Anna Jeffries schoolyard contains a playground and an informal playing field just north of the playground (personal communication with Cut Bank School District Clerk, April 22, 2004). The schoolyard/playing field is not adjacent to Skyland Road.

Other public and private outdoor recreation facilities in Cut Bank but outside the project area include a football field, swimming pools, racetrack, fitness/athletic facilities, a nine-hole golf course, and a sports complex with a track, playing field, baseball and softball fields. These are described in the Social and Community/Economic Impacts section.

View of Skyland Road, looking west toward the Jacobson Addition subdivision. Soroptomist Park is on the left side of the road in the middleground.

Impacts

No Build Alternative Impacts. No impacts would occur to Soroptomist Park.

Build (Preferred) Alternative Impacts. No impacts would occur to Soroptomist Park. Although curbs, gutters and a south sidewalk would be constructed as part of the Build (Preferred) Alternative, these features would be located outside of the park. The Anna Jeffries schoolyard would not be affected, as it is not adjacent to Skyland Road.

Mitigation

No mitigation would be required.

Air Quality

In order to protect the public from health hazards associated with air pollution, EPA established National Ambient Air Quality Standards (NAAQS) in association with the Clean Air Act (CAA) of 1990 for six criteria pollutants (i.e., carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, lead, and particulate matter.) In addition to the criteria air pollutants for which there are NAAQS, another 21 air pollutants are regulated by the EPA as mobile source air toxics, and six of those pollutants (benzene, formaldehyde, acetaldehyde, diesel particulate matter/diesel exhaust organic gases, acrolein and 1,3-butadiene) are now designated as priority Mobile Source Air Toxics (MSAT). Depending on the type of proposed project and the potential impacts, MSATs may require analysis in NEPA documents.

Each state is required to develop a state implementation plan that describes existing air quality conditions and measures that would be taken to attain and maintain the NAAQS for the criteria pollutants. NAAQS have not yet been established for the six priority MSATs. The 1999-2001 State Transportation Improvement Program (STIP), which includes the Cut Bank S-213/BNSF overpass project, is consistent with the state implementation plan.

According to information provided by the Montana Department of Environmental Quality (MDEQ), the nearest location to the project area for air quality monitoring is the non-attainment area of Great Falls, 177 km (110 mi) southeast of Cut Bank. Great Falls is monitored for carbon monoxide. No air quality monitoring occurs within the project area. The proposed project is located in an unclassified/attainment area of Montana for NAAQS (40 CFR 81.327). Under that classification, the project is not subject to Transportation Conformity requirements of the CAA for criteria pollutants and air quality modeling for criteria pollutants is not required. Because regulatory concentration targets for the six MSAT pollutants have not been established, FHWA has developed a tiered approach for analyzing MSATs in NEPA documents. For projects such as the Cut Bank Overpass, where potential MSAT effects are expected to be low, a qualitative analysis is considered an appropriate means to define potential human health risks from MSAT emissions.

Impacts

No Build Alternative Impacts. Under the No Build Alternative, there are no changes to the air quality conditions.

Build (Preferred) Alternative Impacts. The Build (Preferred) Alternative will reduce traffic delays at railroad crossings, which is expected to result in reduced pollutant concentrations from vehicle emissions. However, the Year 2027 estimated vehicle miles traveled (VMT) for the Build (Preferred) Alternative on Skyland Road and Central Avenue is expected to be 10-13 percent higher than for the No Build Alternative. This VMT increase is due to the additional roadway capacity and shorter route length, which is expected to attract trips from elsewhere in the transportation network. Additional VMT could lead to increased MSAT emissions within the immediate project area and reduced emissions along other local routes. The emissions increase would be offset somewhat by lower MSAT emission rates due to increased travel speeds and because EPA's vehicle and fuel regulations, implemented over time, are expected to cause substantial reduction in regional MSAT emissions.

The proposed project would comply with Section 176(c) of the Clean Air Act as amended (42 U.S.C. 7521(a)) for pollutants with NAAQS and no air quality modeling would be required.

Mitigation

No mitigation would be required.

Solid Waste/Hazardous Materials

According to the Initial Site Assessment (ISA) completed by Terracon in May 2003, there are four sites identified within the project area that may contribute to environmental contamination of existing soils. These are a Leaking Underground Storage Tank (LUST) site, an unknown fill site, the railroad right-of-way, and residences, as described below. In late 2003 the project area was expanded and Terracon prepared a revised ISA report, dated January 2004. The revised report did not list any additional areas with the potential of soil contamination or solid waste associated with the proposed project, but an Above Ground Storage Tank (AST) was investigated. Additional investigation is recommended if the selected alignment included area outside of the existing ROW.

Impacts

<u>Potential Soil/Groundwater Contamination from LUSTs:</u>

The Town Pump, which is located at 510 West Main Street, is the site of a LUST. This site is "west of and topographically down-gradient of the north end (western terminus) of the project." The ISA identified two significant petroleum releases occurring at the Town Pump. The first of these is associated with the LUST. The petroleum release in 1993 affected the soil at the soil/bedrock interface. In 1998, the Montana Department of Environmental Quality (MDEQ) evaluated the site and determined that "no further corrective action is required," as there was no contamination to the groundwater supply. The second contamination at this site is associated with a petroleum spill that was "confined to concrete and asphalt surfaces and was cleaned up within 24 hours." The ISA concluded, "the Town Pump does not appear to be an environmental concern for the project."

Potential Soil/Groundwater Contamination from ASTs:

An AST site was found in the expanded project area studied in the January 2004 revised ISA. The Alme Construction yard/machine storage site is on existing S-213/Central Avenue, just north of 3rd Street NE. Several ASTs were observed adjacent to existing S-213, about 9.1 m (30 ft) west of the west shoulder of the road. The ISA stated "the ASTs may be used to fuel construction equipment. There is no record of petroleum releases associated with the ASTs in the MDEQ databases. At this time it does not appear that the ASTs comprise an environmental concern for the proposed project, but the potential for contamination is present; if the chosen alignment includes excavation outside existing right-of-way at this location, additional investigation and soil testing to identify potential contamination associated with the ASTs is recommended".

Potential Solid Waste and Soil Contamination Associated with Fill:

There is "a fill of unknown extent along the alignment south of the railroad right-of-way" near the Albertsons access drive. Although there is no indication that soils or groundwater have been contaminated as a result of this fill, there has been soil and concrete debris deposited on the top and edges of this location. Much of this fill, according to the property owner, came from reconstruction of US 2 and includes asphalt and concrete rubble, particularly towards the middle of the fill (personal communication with Doug Norman, May 6, 2003). If the proposed overpass construction resulted in the excavation of this fill, additional investigations would be recommended to determine if contamination is present within the fill.

Potential Soil Contamination Associated with the Railroad Facilities:

The railroad right-of-way is adjacent to the overpass project site. There is no evidence that there is contamination to the soils or groundwater associated with the railroad operations. The ISA recommends that if the proposed project alignment includes excavation in the existing railroad right-of-way, additional soil investigations should be conducted to identify unforeseen contamination.

Movement of Hazardous Materials through Cut Bank:

Hazardous materials are currently transported along existing travel routes and highways through the City of Cut Bank.

No Build Alternative Impacts. There would be no impact to any of the potential contamination sites described above because there would be no ground disturbance. There would be no change in the transport of hazardous materials through Cut Bank.

Build (Preferred) Alternative Impacts. The proposed overpass construction may impact several potential sites, particularly the solid waste fill site south of the BNSF right-of-way near Albertsons, the Alme Construction AST site on existing S-213/Central Avenue just north of 3rd Street NE, and the railroad right-of-way. In addition, vehicles transporting hazardous materials through town would have the new option of traveling the proposed S-213 realignment along Skyland Road.

Mitigation

In accordance with MDT Standard Specifications, if contaminated soils or hazardous materials are encountered, excavation and disposal will be handled in compliance with applicable federal, state, and local regulations. The proposed overpass construction resulted in the excavation of the fill

near Albertsons; additional investigation would be conducted, as necessary, to determine if contamination is present within the fill. Additionally, if the proposed project alignment included excavation in the existing railroad right-of-way or at the car wash, additional soil investigations would be conducted, as necessary, to identify potential contamination. If excavation outside existing right-of-way at the AST location occurred, additional investigation and soil testing to identify potential contamination associated with the ASTs would be conducted, as necessary.

Noise

Sound level measurements for the Cut Bank noise study were performed by Big Sky Acoustics, LLC (BSA) on April 8, 2003 and recorded in the Cut Bank Overpass Preliminary Traffic Noise Memorandum, May 6, 2003 and the Final Traffic Noise Study, June 30, 2004. Testing occurred along the existing (No Build) alignment of S-213 and Skyland Road. Three independent measurements were taken in one-hour periods. Locations are shown in Table 3.6. The May 6, 2003 Preliminary Traffic Noise Memorandum analysis indicated the majority of noise is train-related (i.e. whistle, locomotive and freight car noise), rather than generated by highway vehicular traffic.

Thirty-six (36) noise sensitive receptors were identified within 150 m (492 ft) of the proposed overpass centerline along S-213 and Skyland Road and included residences, mobile homes, a church, a park, and a school.

Of the receptors identified, three residential receptors at R-21, R-22, and R-23 were classified as having dominant noise originating from vehicular traffic. The other receptors were classified as having dominant noise originating from train traffic.

Predictions of noise levels for the three residential receptors at R-21, R-22, and R-23, near measurement location 3, were calculated using the Federal Highway Administration (FHWA) Traffic Noise Model (TNM) Version 2.0 computer program.

During the sound level measurements, it appeared that one train passed through town approximately every hour. BSA determined that the whistle, locomotive, and freight car noise from trains represented the dominant noise source in the residential neighborhood located north of the railroad tracks and west of the Skyland Mobile Park (at measurement locations 1 and 2). Because the train represented the dominant noise source in the neighborhoods at locations 1 and 2, BSA established the 2002 Present Year noise levels for the No-Build Alternative on the train noise source; however, intermittent train noise is not representative of overall traffic noise.

Table 3.6 2002 Present Year Measured Ambient Noise Levels

Measurement Location	Description	Measured Leq(h)	Dominant Noise Source(s)
1	Middle east side of 6th Avenue NW.	68 dBA	Freight train
2	Corner of 4th Avenue NW and Skyland Road	57 dBA	Two freight trains
3 (near R21 and R22)	Approximately 80 meters (263 feet) northeast of the Skyland Road, Nyhagen Road, and existing S-213 intersection (toward Old Maids Coulee)	60 dBA	S-213 traffic

Source: Preliminary Traffic Noise Study Memorandum, Cut Bank Overpass. Big Sky Acoustics, LLC, 2003

Table 3.7 lists the traffic data used to compare the field-measured noise level to the traffic noise level predicted by the TNM model at Location 3. The vehicles traveling on existing S-213 were tallied and input to the TNM model to verify the model. Based on field observations, it appeared that existing S-213 traffic was traveling at approximately 80 km/h (50 mph).

As listed in Table 3.7, the difference between each field-measured $L_{eq}(h)$ level and the level predicted by the TNM model for the traffic conditions during the measurement period at Location 3 was 0 dBA. According to Section A.6 of Appendix A, *FHWA Policies for Highway Traffic Noise Prediction Using TNM*, of the TNM User's Guide (1998), a difference of 3 dBA or less between measured and predicted traffic noise levels indicates that a TNM model is reasonably accurate. Therefore, the TNM model for existing S-213 is reasonably accurate and acceptable for traffic noise level predictions at receptor locations R21, R22, and R23.

Table 3.7 Measured Ambient vs. Predicted Noise Levels

Measured Location	Date	Time	Distance and Direction to Existing S-213 Centerline (meters/feet)	Existing S-213 Northbound Traffic Tallied During Measurement	Existing S-213 Southbound Traffic Tallied During Measurement	Measured $L_{eq}(h)$	Predicted $L_{eq}(h)$ by TNM Model
3 (receptors R21, R22, R23)	4/8/03	11:32 am to 12:32 pm	18.8 m/ 62 ft east of S-213	Cars: 68 MT: 1 HT: 5	Cars: 71 MT: 3 HT: 7	60 dBA	60 dBA

Source: Preliminary Traffic Noise Study Memorandum, Cut Bank Overpass. Big Sky Acoustics, LLC, 2003

Notes:
Cars — Vehicles with two axles and four tires
MT — Medium truck, vehicles with six tires on two axles
HT — Heavy truck, vehicles with more than two axles

Impacts

Although the number of trains passing through town may increase between the 2002 Present Year and the 2027 Design Year, the noise created by the increase in trains does not affect how traffic noise impacts associated with the proposed overpass project will be determined. The 2027 traffic noise levels were calculated at measurement locations 1, 2 and 3. The results are in Table 3.9.

Traffic Projections. The 2003 Preliminary Traffic Report (DEA, 2003) determined that existing S-213 would experience a 41.8 percent increase in average daily traffic (ADT) between 2002 and 2027. This estimate is based on the historic annual rate increases of 1.5 to 2.0 percent since 1993. The 2002 traffic volumes for existing S-213 in the north city limits show a design hour volume (DHV) of 330. By 2027 this would be 480 DHV. This area is the general location of the three noise sensitive receptors, R21 through R23, placed at measurement location #3.

Of the vehicles traveling the existing S-213 project area, truck traffic accounts for 6.9 percent of the volume. Refer to Table 3.8 for current roadway growth estimations on S-213 north of Skyland Road.

Table 3.8 Traffic Data Used for Noise Level Predictions

Roadway	Year	ADT	DHV*	Cars	Medium Trucks	Heavy Trucks
S-213 north of Skyland Road	2002	2470	330	NB: 132 SB: 112	NB: 1.2% SB: 1.2%	NB: 5.7 % SB: 5.7 %
	2027	3500	480	NB: 228 SB: 228	NB: 1.2% SB: 1.2%	NB: 5.7 % SB: 5.7 %

Source: Preliminary Traffic Noise Study Memorandum, Cut Bank Overpass. Big Sky Acoustics, LLC and Preliminary Traffic Engineering and Geometrics Report, May 2003, David Evans and Associates, Inc.

**Design Hourly Volume*

No Build Alternative Impacts. Table 3.9 indicates predicted noise levels in decibels (dBA) on an A-weighted scale for several affected noise receptors. According to 23 CFR 772 and the MDT Policy and Procedures Manual, a noise impact would result if the noise level increases by 13 dBA or more between the existing condition (Year 2002) and the Design Year 2027. A noise impact would also result if the predicted traffic noise levels under the Build (Preferred) Alternative in the Year 2027 exceed 66 dBA. As shown in Table 3.9 neither of these conditions is expected, so there would be no traffic noise impacts under the No Build Alternative.

Build (Preferred) Alternative Impacts. Traffic noise levels in the neighborhood and along proposed S-213 are not predicted to meet or exceed the 66-dBA noise threshold criterion or the 13 dBA increase criterion in the Design Year (2027). As shown in Table 3.9, at only one location (Receptor R23 at Measurement Location 3) the future predicted noise level increases from existing noise levels (from 51 to 55 dBA), and even at that location noise threshold criteria are not exceeded. At the other locations, the future noise level is the same or lower.

Table 3.9 Noise Level Predictions for No Build Alternative and Build (Preferred) Alternative

Receptor	Description	Existing $L_{eq}(h)$ in 2002 (dBA)	Build (Preferred) Alternative $L_{eq}(h)$ in 2027 (Traffic only) (dBA)
Measurement Location 1			
R2	Single-family residence at intersection of 6th Avenue NW and 1st Street NW	68[1]	54
Measurement Location 2			
R20	Single family residence at intersection of Skyland Road and 3rd Avenue NW	57[1]	57
Measurement Location 3			
R21	Single-family residence at intersection of S-213 and Nyhagen Road	62[1]	57
R22	Single-family residence on S-213 north of Nyhagen Road	59[1]	56
R23	Single-family residence on S-213 near veterinarian clinic/Old Maids Coulee	51[1]	55

Source: Preliminary Traffic Noise Study Memorandum 2003, Cut Bank Overpass and Draft Traffic Noise Study 2004. Big Sky Acoustics, LLC

[1] Noise level predicted using TNM (using traffic on existing S-213).

However, there may be a noise impact resulting from a new noise source. According to former Cut Bank mayor Bill McCauley (personal communication March 10, 2003) rerouting S-213 traffic from the north onto the Skyland Road alignment may increase noise levels in the neighborhood from large trucks applying engine brakes. Mr. McCauley said Cut Bank does not have an ordinance regulating the use of engine brakes. In addition, due to passage of HB 237 by the 2003 Montana Legislature, the state prohibits restrictions of engine compression brakes.

Mitigation

No mitigation would be required.

3.3 SOCIAL AND ECONOMIC

Land Use

The City of Cut Bank is the county seat for Glacier County, providing commercial and retail services to farming and ranching interests in the county. The community is also the center for many of the various outdoor recreation opportunities found in the area, including hunting, fishing, snowmobiling, and camping. Existing land use in the Cut Bank community and project area is a mixture of residential, commercial and industrial, while Glacier County's primary land uses are energy (oil and gas) production, ranching and agricultural.

Cut Bank Land Use. Cut Bank consists of 260.21 ha (643 ac) of land, or 0.04 percent of the total land in Glacier County. Approximately three-quarters of the city is zoned residential (R-1, R-2, R-3, R-4) in areas, located generally to the north and south of downtown. The remaining 25 percent of the land is zoned mostly commercial and industrial. Many of the commercial and industrial properties are located near the rail corridor on Main Street (US 2) and Central Avenue (existing S-213), considered to be Cut Bank's central business district (CBD). The BNSF railway effectively divides Cut Bank, with commercial and industrial areas surrounding the rail corridor to the north and south.

Additional commercial sites, including the recently developed Albertsons Supermarket shopping plaza, are located in the northwest sector of the city at the western terminus of the proposed overpass. Other businesses located in this shopping plaza and surrounding area include an IGA grocery store, a western wear store, a pharmacy, a hotel, several restaurants, automobile service stations, and a car dealership.

The northwest neighborhood of Cut Bank is generally bounded by Central Avenue (existing S-213), 1st Street NW, and 6th Avenue NW/Skyland Road. The subdivisions within the northwest neighborhoods include, from the west and north of Skyland Road, the undeveloped Country Club Addition and the vacant Skyland Trailer Court. Getter Trailer Court is south of Skyland and west of 6th Avenue NW. The other subdivisions south of Skyland Road, from west to east, are Jacobson Addition, a portion of the Original Townsite Addition and a portion of the Jeffries Addition. East of Central Avenue is the other portion of the Original Townsite and Jeffries Additions, Torgerson Annex and Vogt Addition.

Land uses within this area are primarily residential, including the Getter Trailer Court, but also include the Anna Jeffries Elementary School and the Cut Bank School District bus barn, Soroptomist Park, and agricultural land. A florist and greenhouse are located at the corner of 1st Street NW and 5th Avenue NW.

Glacier County Land Use. According to the U.S. Department of Agriculture (USDA), the majority of the county is non-irrigated grasslands and farmlands. Eastern areas of the county are used for growing crops and grazing. The western area of the county includes forest and grazing lands of the Flathead National Forest. Glacier National Park is also in the western half of the county. The land adjacent to Cut Bank is classified by the USDA as either "Mostly Cropland" or "Irrigated Lands", and are the dominate land uses in the portion of the county located in the proposed project area.

The Blackfeet Indian Reservation occupies portions of nearly 80 percent of the land in Glacier County. The reservation, approximately 607,029 ha (1,500,000 ac) in size, is located a few miles west of Cut Bank. Land ownership within Glacier County is approximately 48 percent Blackfeet Indian Reservation; 46 percent private; 5 percent federal; and 1 percent State of Montana (Montana Natural Resource Information System (NRIS).

Future Land Use. There are currently very few residents to the north of Skyland Road (CR 462). However, the undeveloped Country Club Addition located north of Skyland Road is zoned residential. Future residents in this new neighborhood would be part of the project area.

Impacts

No Build Alternative Impacts. The three existing at-grade railroad crossings that serve land uses in the project vicinity would remain in place and existing S-213 would not be relocated. There would be no impacts to land uses in the project area.

Build (Preferred) Alternative Impacts. Land uses along existing Skyland Road could change because these undeveloped or agricultural properties would have improved access to the realigned S-213. Whether the undeveloped Country Club Addition to the north or any other proposed residential or commercial development would be impacted by the Build (Preferred) Alternative cannot be fully determined. The rate of such development is driven by many factors other than roads. While roads may have some impact as to the timing and location of growth, other factors influence growth in a community such as general economic conditions, interest rates, preferred locations in town, and zoning and development trends.

Mitigation

Upon request, MDT will provide final design plans to the city and county for consideration in future zoning and land use planning decisions.

Farmlands

Open range grasslands dominate Glacier County and farmlands are prevalent on the eastern portion of the county. According to the Montana State Library and the State of Montana Natural Resource Information System (NRIS), there are 154,294 ha (381,269 ac) of agricultural lands in the county. This accounts for 22.4 percent of the land area within Glacier County. The following chart is a break down of the common crops that are produced in Glacier County.

Table 3.10 1999 Glacier County Crops

Crop	Bushels	Percentage
Barley	5,155,000	67.0%
Oats	36,000	00.5%
Wheat	2,481,000	32.3%

Source: National Association of Counties: Agricultural Data

The majority of farmlands in the Cut Bank region are non-irrigated, which means that farmers are typically dependent upon precipitation for moisture. Spring wheat and barley are planted in the spring and harvested in August/September. Likewise, winter wheat is planted in the autumn and is harvested in mid-August. Barley is grown as malting (brewing) barley. Alfalfa is occasionally grown depending on the amount of moisture received in a given year.

Prime and Unique Farmlands. According to the US Congressional Public Law 95-87 (Federal Register January 31, 1978:Part 657), the US Department of Agriculture (USDA) and the Natural Resources Conservation Service (NRCS) must identify and locate prime and unique farmland. These farmlands are protected in accordance with the 1981 Farmland Protection Act.

Prime farmlands are considered to be of national importance. These lands have been identified as lands that have the best combination of chemical and physical characteristics that lead to higher yields in food production, which require a minimum input of resources as determined by the Secretary of Agriculture. Unique farmlands are lands other than prime farmland that are used for the production of certain high-value crops. According to a review of the important farmland mapping provided by the Montana State Library, a total of 44,276 ha (109,409 ac) of land within Glacier County is classified as prime farmland. This accounts for 28.6 percent of the total farmland in the county.

There are no soil types that are classified as prime or unique by the NRCS within the immediate study area. Refer to Figure 3.7 detailing the soil types within Cut Bank and the immediate study area.

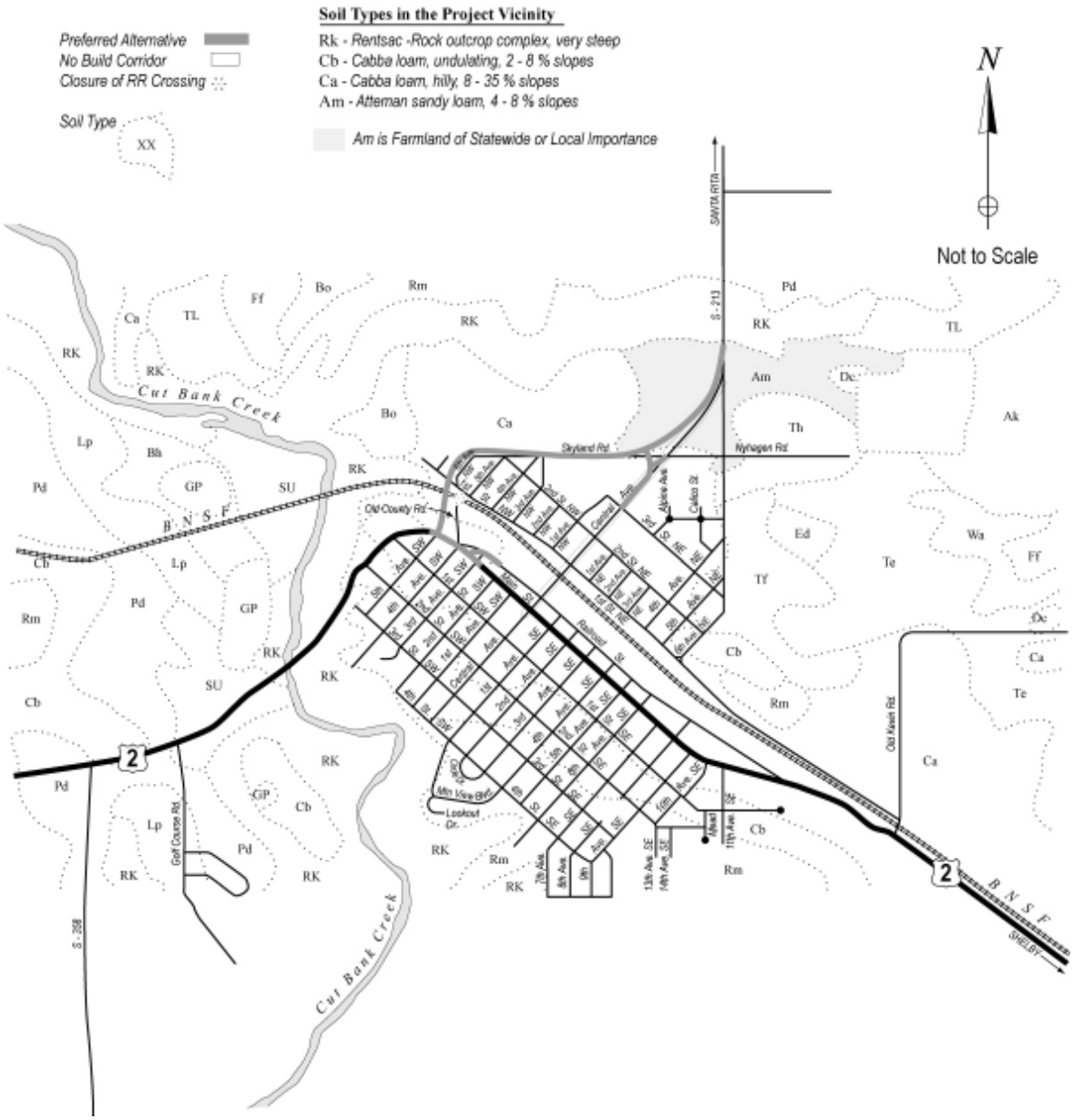
Farmland of Statewide Importance. In addition to the prime and unique lands, the farmland program encourages the identification of farmland of statewide importance. These are generally lands that are of local importance for the production of food, feed, fiber, forage and oilseed, as determined by the Secretary of Agriculture. As seen on Figure 3.7, one soil type within the study area is considered of statewide or local importance in farmland production. Approximately 8 ha (20 ac) of soils with the classification of Atteman Sandy Loam (AM) are present within the project area but are not being used for farmland production. Land uses not necessarily compatible with farming and/or agricultural production have occurred near this soil. Recent uses include the exploration for oil and gas in the fields north of Skyland and Nyhagen roads, and light industry in the triangle of land within existing S-213 (Central Avenue), Nyhagen Road, and 6th Avenue NE.

Impacts

No Build Alternative Impacts. The No Build Alternative would have no impact to prime and unique farmland or to any farmland of state importance in the study area.

Build (Preferred) Alternative Impacts. The Farmland Protection Policy Act (FPPA) definition of farmlands includes all areas in non-urban use. In addition to lands currently in crop production,

Figure 3.7 Important Farmland and Soil Types in the Project Vicinity



Soil Mapping Source: NRCS

this definition includes forested, idle, pasture, open and recreational lands as well as unpaved roads, rural residences, and farm buildings. As is required by the FPPA, MDT has coordinated with the NRCS, and the FPPA Farmland Conversion Impact Rating forms (Form CPA-106) have been completed and approved by NRCS (see Appendix C). For the CPA-106 Form, the impacts to prime farmlands, farmlands of statewide importance, and site assessment criteria were calculated according to FPPA guidelines. Approximately 4.4 ha (11.0 ac) of statewide importance would be converted to right-of-way as part of the Build Alternative. Form CPA-106 was prepared to document this conversion and is available in Appendix C. Each alternative would result in less than

160 total points; therefore, under the provisions of 7 CFR.658.4(c)(2), no additional consideration for protection is necessary.

Mitigation

No mitigation would be required.

Social and Community/Economic Impacts

Social Environment

The Cut Bank Overpass project area lies within the Cut Bank community, comprised of the City of Cut Bank and portions of Glacier County. Glacier County is largely influenced by the Blackfeet Indian Reservation, which covers nearly 80 percent of the county and has a population of approximately 8,488 persons. Glacier County covers 6,576 sq km (2,539 sq mi) with an average population density of 2.0 persons per sq km (5.2 people per sq mi) based on a 2000 population of 13,247 (Montana Department of Commerce (CEIC)). Population in the county has been increasing by nearly 1,000 to 1,500 persons every 10 years, or at a rate of 13 percent, and is projected to have a 2025 population of 14,210. Fifty-eight percent (7,671 persons) of the population is considered urban. The county has nine communities and Cut Bank, the largest city, is the county seat.

According to the 2000 U.S. Census, the population of the City of Cut Bank was 3,105, a decrease of 15.8 percent since 1980 when the population was 3,688. In the *1970 Cut Bank Comprehensive Plan*, the population was estimated to be 6,800 by 1990. This estimation was based on the expectation of the oil industry continuing to draw new people to the area. However, the market for Cut Bank's natural resources became less favorable in the 1980s, contributing to the current decreased population level.

The project area can be characterized as a mix of residences and farmlands and some commercial uses. The Mountain View Baptist Church and vacant Skyland Trailer Park, located in the northern portion of the project area north of CR 462 (Skyland Road), are surrounded by farmland. To the south of Skyland Road, in the southern portion of the project area, is an established neighborhood that includes the Jacobson Addition, Jeffries Addition and Original Townsite Addition. The Anna Jeffries Elementary School and school district bus barn are also located to the south of Skyland Road. In the southwest portion of the project area, near the western terminus of the overpass, the character of the area is more commercial and industrial and includes the Albertsons shopping center and railroad industries.

Economic Environment

Traditionally, Cut Bank's economy has focused on agricultural, oil and natural gas deposits, and freight industries. According to the 2000 Census, the five largest employment sectors in Cut Bank were education, health and social services (29 percent of total employment), retail trade (12.9 percent), arts, entertainment, recreation, accommodation and food services (10.4 percent), services other than public administration (7.9 percent), and transportation, warehousing, and utilities (7.8 percent). In Glacier County, the retail sector is the highest paying sector, with an annual payroll of $6,790,000 (1997 NAICS Economic Census).

Services, retail trade, and agriculture (including grain elevators) play important economic roles in or near the immediate project area. Businesses in the project area include the commercial and industrial facilities located in the central business district (CBD), and those in and around the

shopping plaza located in the northwest sector of the city. Access to the CBD from the north is primarily via Central Avenue (existing S-213), and access to the northwest shopping plaza from the northwest neighborhood is generally from Skyland Road. Other access to these areas is via US 2 (Main Street). Businesses in the Jacobson Addition north of the BNSF railway include a florist and greenhouse at the corner of 1st Street NW and 5th Avenue NW. This business is currently accessed from the Old County Road at-grade crossing, or from the Central Avenue at-grade crossing route.

Development Trends. Cut Bank has experienced modest to slow economic growth over the past 20 years. The employed labor force in the city has been decreasing as the population decreases. Nearly 62 percent of the population is considered to be in the labor force and 1.3 percent were unemployed in 2000. In 2000, Glacier County had an unemployment rate of 9.5 percent, approximately 5.4 percent higher than the statewide average.

In 1997, Glacier County's most profitable land-use-based sector was in the farm product raw material wholesale industry (establishments primarily engaged in wholesaling agricultural products (except raw milk, live poultry, and fresh fruit and vegetables), such as grains, field beans, livestock, and other farm product raw materials (excluding seeds)). In 1997, there were three establishments accounting for more than $55 million in sales (NAISC Economic Census, 1997), more than half of the county's wholesale trade. In 1996, the second most profitable land-use based industry was natural gas and crude petroleum extraction, accounting for $7.6 million of the industrial output, or 2.3 percent of the total industrial output for 1996. The grazing industry is the third most profitable land-use-based industry with $3.5 million, or 1.0 percent of the county's industrial output.

Economic development in Glacier County is supported by Glacier Action and Involvement Now, Inc. (GAIN). GAIN has served Glacier County and its residents since 1990 as Glacier County's only state recognized economic development organization. It is organized exclusively to promote and foster economic development in Glacier County.

Community Services

Schools. There are four public schools in Cut Bank: one high school, one middle school, and two elementary schools, with a district-wide enrollment of 1,050 students. These schools provide school bus services for their students through the Cut Bank School District bus system. There are schools located on both the north and south sides of the rail corridor, making it necessary for buses to cross the railroad tracks at the existing grade level crossings. Anna Jeffries Elementary School and the Cut Bank School District bus barn are both located near the proposed overpass location, north of 2nd Street NW.

Churches. There are several churches in the Cut Bank area, including the Mountain View Baptist Church, located on Skyland Road near the proposed project.

Emergency Services. Glacier County Medical Center, located on 2nd Street SE, is the area's primary health care facility. The center is a full-service hospital and also includes a nursing home. There are six medical doctors on staff, one physician assistant and 17 resident nurses. In addition, the Glacier County Rural Health Clinic serves the rural population. Ambulance service is handled countywide through Glacier County Emergency Medical Service (EMS).

Other emergency services are generally handled through the city government. The police department has six city officers and three reserve officers. The volunteer fire department has 25 volunteer fighters. The service area includes the city and surrounding areas in the county.

Recreation and Cultural Facilities. Public and private outdoor recreation facilities in Cut Bank include a football field, swimming pools, racetrack, fitness/athletic facilities, public parks, a nine-hole golf course, and a sports complex with a track, playing field, baseball and softball fields. Other cultural and indoor recreational facilities include a public library, bowling alley, dance studio, museum and the historic Lewis and Clark Fight Site. The City's Civic Center, located on East Main Street, has amenities including a basketball court, racquetball court, workout equipment, meeting rooms and hot tubs. Parkview Senior Center, located on East Main Street, provides senior services to the Cut Bank community.

One city-owned park is located near the proposed project. Soroptomist Park, owned by the school district, is adjacent to Anna Jeffries School on the south side of Skyland Road. The school district and the city cooperatively maintain Soroptomist Park.

In addition to the local recreational facilities, Glacier National Park is located 76 km (47 mi) west of Cut Bank. The 485,624 ha (1,200,000 ac) park contains 1,127 km (700 mi) of hiking trails, 50 glaciers and over 200 glacial-fed lakes. The park also has cross country skiing, snowmobiling opportunities, and wildlife viewing areas. Besides the recreational terrain in Glacier National Park, the area provides fishing and hunting opportunities on the Blackfeet Indian Reservation.

Transportation Services. Community transportation services include federal and state highways, rail, air, bus and car rental agencies. The major road facility is US 2, an east/west transcontinental highway that parallels the current rail alignment and becomes Main Street through Cut Bank. Other community transportation services include a paratransit service, which is in compliance with the Americans with Disabilities Act (ADA), provided by the Parkview Senior Center. This service is subsidized by state and federal funds. Parkview provides one 12-passenger disabled-accessible van on a daily on-call basis, with regularly scheduled, once-a-week shopping trips around town and once-a-month medical/shopping trips to Great Falls (personal communication, Kathy Johnson, Director, Parkview Senior Center, April 26, 2004). There is no taxi service in Cut Bank.

Each year, approximately 2 million visitors come to Glacier County via US 2. Cut Bank is also accessible by Interstate 15, located 39-km (24-mi) southeast of Cut Bank. Local rural roads in the area include State Secondary Highways 213, 214, 215 and 358. Existing S-213 ties the region to Canada through the port of entry at Port of Del Bonita, approximately 50-km (31-mi) northwest of Cut Bank. This is a United States – Canada agricultural trade route. Similarly, S-214 provides a route to the United States Port of Sweet Grass and Canadian Port of Coutts.

Passenger rail service is provided through the Amtrak Station in Cut Bank, which utilizes the existing BNSF line. Cut Bank has a municipal airport serving private, charter, and freight carriers. The closest commercial airport is located in Great Falls, 180-km (112-mi) southeast of Cut Bank.

Impacts

No Build Alternative Impacts. As a result of the No Build Alternative, there may be a slight negative impact on the social and economic environment in the project area due to continuing delays at the at-grade crossings. Emergency service response and vehicular and pedestrian safety concerns at these crossings would not be improved.

Build (Preferred) Alternative Impacts. The character of the northwestern section of the Jacobson Addition would change with the construction of the proposed project. The introduction of an urban roadway and overpass structure into a primarily rural area of Cut Bank could diminish the rural character of this area. Due to construction of the overpass, the former Getter Trailer

Court site west of 6th Avenue NW would be disconnected from other nearby residential areas. The visual character of the area in the immediate vicinity of 6th Avenue NW would change with the addition of the overpass (see Visual section), and higher traffic volumes in the area may result in a small increase in traffic-related noises (see Noise section). Both of these impacts may diminish the rural character of this area of the Jacobson Addition.

Plans for any future development in the City of Cut Bank are unknown at this time. The degree to which commercial services grow is often linked to the population growth of the city and county. The Build (Preferred) Alternative would not be anticipated to directly increase the overall total volume of sales for the regional or local economy.

Since traffic would be diverted to the new S-213 alignment, there may be some economic impacts to commercial sales for a few "non-destination" businesses, such as several restaurants located on Central Avenue. The new S-213 alignment would encourage "through" traffic to bypass Central Avenue, perhaps reducing the number of commercial visits by those travelers who currently use the Central Avenue (existing S-213) roadway. GAIN has stated the majority of businesses currently located on Central Avenue are destination-type businesses, and would likely succeed no matter where their location is, so there would be little effect, if any, on the Central Avenue businesses (November 5, 2004).

Acquisition of ROW for the new US 2/Railroad Street and Old County Line Road intersection would result in displacement of the car wash located on the triangular parcel at US2/Railroad Street. No other businesses could be constructed on this site, resulting in a negative economic impact. However, the business could be reestablished at another site, and the economic benefit restored.

Whether the undeveloped Country Club Addition or any other proposed residential or commercial development would be impacted by the Build (Preferred) Alternative cannot be fully determined. The rate of such development is driven by many factors other than roads. While roads may have some impact as to the timing and location of growth, other factors influence growth in a community such as general economic conditions, interest rates, preferred locations in town, and zoning and development trends.

GAIN has stated that the proposed overpass project would not necessarily induce population growth in Cut Bank. Subdivisions proposed for the northwest area of town would likely benefit by the relocation of S-213, but the subdivisions have been planned several decades and there is no indication they would be developed soon. GAIN stated the trend for residential development seems to be in the southeast quadrant of Cut Bank, south of the railroad tracks, and there is still opportunity to build in that area (November 5, 2004). Overall, the proposed project would have positive effects on community resources due to improved travel efficiency and safety for motorists and pedestrians. Businesses, private residences, and visitors would likely benefit from improved roadway safety and mobility, and emergency service response and vehicular or pedestrian safety concerns would be improved by a new uninterrupted transportation route across town. Temporary construction impacts may include slight delays, but access would be maintained and coordinated during construction (see Section 3.4).

Businesses may experience access impacts due to changed travel patterns, resulting in out-of-direction travel or potential change in driveways.

Mitigation

As part of an overall signage plan in accordance with the "Manual of Uniform Traffic Control Devices" and MDT's policies and practices, signage will be installed to direct southbound S-213 travelers to the Cut Bank city center via Central Avenue and the new overpass.

Visual

The existing visual environment of the proposed project corridor is composed of a mix of urban and rural landscape characteristics.

The built structures that characterize the urban landscape serve residential, commercial and agricultural activities. Most residential buildings along the project corridor are one story in height. The commercial and agricultural buildings in town are typically one to two stories in height, with several taller structures such as grain elevators located in Cut Bank along the BNSF Railway tracks. These structures introduce dominating vertical elements to the urban landscape, which are visible from everywhere in town and increase the diversity of color in the landscape.

In the urban landscape, residential structures, commercial activities and vacant parcels include the following elements:

- neighborhood and arterial streets
- single family houses and structures
- low rise commercial and industrial buildings
- utility poles
- the BNSF Railway corridor
- vacant parcels of undeveloped land

The landscape to the west of the proposed realigned S-213, in the vicinity of the proposed BNSF overpass, is dominated by the large Cut Bank Creek ravine, rolling vacant hills and the steel BNSF single-track railroad trestle bridge. This existing bridge measures approximately 365 m (1200 ft) in length and 50 m (160 ft) in height and is located approximately 460 m (1500 ft) west of the proposed S-213/BNSF overpass.

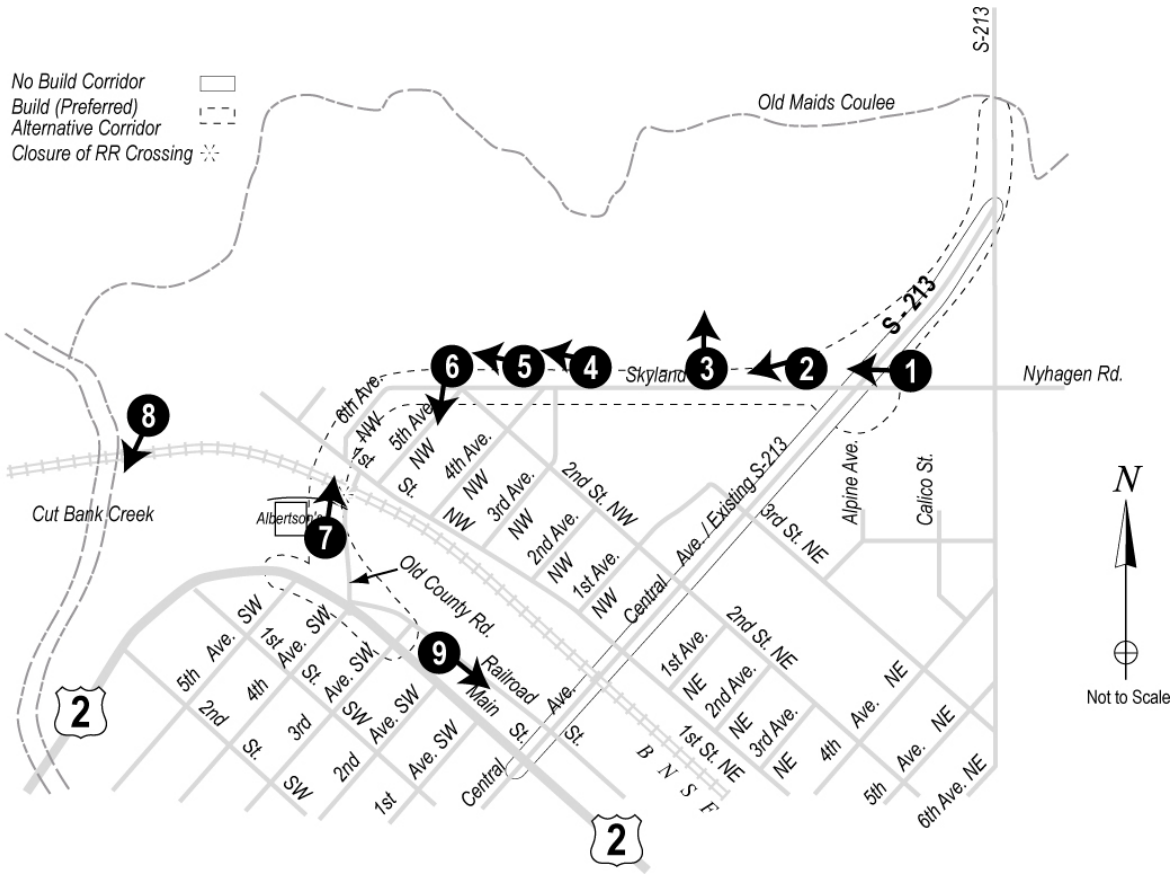
In the rural area landscape, visual characteristics consist of rolling plains and low hills with occasional stream channel ravines. Existing vegetation, grasses or agricultural crops create a textural and color contrast to the highways that enter town. Overhead power lines along existing S-213, and the railroad tracks and power lines paralleling US 2 create strong linear visual elements. Most of the structures in the rural landscape are relatively short span and low in stature, adding visual diversity to the landscape.

Stands of deciduous trees throughout provide vertical elements in the landscape, which contrast with the more wide-open spaces. The agricultural and oil fields on either side of existing S-213 create texture and color that can dominate vistas in the fore- and middle-ground of the landscape, where agricultural structures near the highway can offer contrasting form, scale and color in their separate, distinct groups.

Figure 3.8 identifies locations of different views along the proposed project corridor, which are shown on the corresponding photos on the following pages. Generally the nine locations include all or a portion of the elements listed above. Views away from the proposed project corridor to the north and to the west from Skyland Road (see photos of Locations #3 and #6) include views of

undeveloped, rural landscape including rolling hills and distant mountains. The view to the west includes the large BNSF Railway bridge that crosses the Cut Bank Creek ravine, as shown by the illustration at Site #8. The southern, eastern and southeastern views are of the commercial corridors along Main Street and Central Avenue, the existing railroad corridor, and the adjacent neighborhoods.

Figure 3.8 Visual Resources of Project Corridor



Location #1: Intersection of Skyland Road and Central Avenue (existing S-213)

Location #2: Skyland Road looking west.

Location #3: Skyland Road looking north.

Location #4: Skyland Road and 3rd Avenue NW in vicinity of school, looking west.

Location #5: Skyland Road and 4th Avenue NW, looking west.

Location #6: Skyland Road and 5th Avenue NW, looking south.


Location #7: Views north from Albertsons/Old County Road looking north at 6th Avenue NW (left) and 5th Avenue NW (right).

Location #8: View of Cut Bank ravine and BNSF Railway bridge, west of proposed project.

Location #9: View west down US 2/Main Street.

Impacts

No Build Alternative Impacts. The visual environment would not change under the No Build Alternative.

Build (Preferred) Alternative Impacts. The proposed project would include the addition of the following features to the existing visual environment:

- A new bridge structure with supporting walls, piers and columns to cross the BNSF Railway;
- A newly reconstructed Skyland Road, to include wider repaved lanes, curbs, gutters, a south sidewalk and bike lanes;
- Newly reconfigured intersections at proposed S-213 and US 2 and at existing S-213 and Central Avenue; and
- Modifications to existing utilities, including power and telephone lines and poles repositioned in certain areas along the Skyland Road corridor and in the vicinity of the proposed overpass and the two intersections. The exact locations of these modifications would be determined in subsequent design efforts.

These features associated with the Build (Preferred) Alternative would be additions to the existing visual environment and would affect some existing views in the study area, as noted below:

- Existing views from 5th and 6th Avenues NW (in the vicinity of Sites #5 and #6 on shown on Figure 3.8) and from 1st Street looking to the south would be moderately impacted due to the addition of the new overpass. The views from the homes along these streets and along 1st Street would also be impacted.
- Views from US 2 (Main Street), between 3rd Avenue SW and 5th Avenue SW, and from businesses in this vicinity looking to the north and northeast would also be impacted to a minor degree.
- Views to the mountains to the west under the bridge would be enhanced through "framing" of the view by the bridge and retaining walls. It would still be possible to look through or under the proposed overpass bridge (in the vicinity of Site #7 on the Figure), because the piers and retaining walls would not hinder the lateral views.
- Views of the rural landscape, including the rolling plains and low hills, to the north and northwest from the existing Skyland Road, would not be altered under the Build (Preferred) Alternative. The views to the west from 6th Avenue NW onto the vacant fields, Cut Bank Creek ravine and the BNSF Railway bridge would also not be altered.

Overall, the effects on the visual landscape would be readily detectable and long-term. However, the effects would be localized to the area surrounding the proposed project. The effects would not change the overall character of the visual environment from the existing residential and commercial uses surrounding a railroad corridor.

Mitigation

No mitigation is required.

Energy

Energy is evaluated in the form of vehicle fuel consumption.

Impacts

No Build Alternative Impacts. Under the No Build Alternative, increasing traffic congestion and travel times would result in an increase of energy consumption as vehicles idle for longer periods of time at the at-grade crossings in Cut Bank.

Build (Preferred) Alternative Impacts. Under the Build (Preferred) Alternative, energy consumption would decrease as traffic delays and out-of-direction travel decrease and maintenance conditions improve.

Mitigation

No mitigation would be required.

Safety and Security

Emergency Service Response

There are three at-grade railroad crossings in Cut Bank (Old County Road, Central Avenue/existing S-213, and on Old Kevin Road east of town). Long freight trains often block all of these crossings, making it impossible to access portions of the community at all times. This could result in a variety of safety-related issues, particularly in emergency response. These blockages typically occur for four or five minutes, but they could potentially be as long as 20 minutes. This could be a serious issue because one third of the community, including an elementary school, school bus barn, several businesses, and one third of the town's residents, are situated on the north side of the railroad tracks. However, all the community's emergency services are located to the south of the railroad tracks. To date, there have been no fatalities as a result of a train blockage, but there has been substantial interference in emergency response times.

Vehicular Safety

With three at-grade railroad crossings there is a substantial potential for accidents involving a motor vehicle and a train. This may occur as a result of stalled or stuck vehicle on the railroad tracks, or because a motorist may attempt to "beat" a train, resulting in a collision. According to accident data from the Federal Railroad Administration, Office of Safety Analysis, between 1980 and 2002 there were a total of six (6) accidents involving both a train and automobile at the three at-grade railroad crossings in Cut Bank. In addition, a large number of school buses cross the tracks and are at particular risk of getting stuck due to their size. It has been shown that it takes several minutes to fully evacuate a school bus; there may not be sufficient time to evacuate the bus before the train arrives in such situations.

Pedestrian Safety

Pedestrians currently cross the tracks at the same location as vehicles and also often cross between the vehicular crossings. However, pedestrians, particularly children, tend not to wait if a train is stopped at a crossing. They may opt, rather, to pass through the cars. This is an extremely dangerous exercise, as trains may start with no warning. Additionally, the area north of Skyland Road is zoned residential. School-aged children from the future development of this area would cross the realigned S-213 to walk to and from Soroptomist Park and Anna Jeffries Elementary School, creating potential future pedestrian and school safety concerns.

Impacts

No Build Alternative Impacts. The No Build Alternative would not improve and/or alleviate any of the emergency service response, vehicular or pedestrian safety, or national security concerns in the study area.

Build (Preferred) Alternative Impacts. The Build (Preferred) Alternative would improve the emergency service response and vehicular and pedestrian safety concerns in the study area. Roadway design features for the realigned S-213 include a sidewalk and improved intersections to mitigate potential future pedestrian and school safety concerns.

Mitigation

No mitigation would be required.

Environmental Justice

Environmental Justice – Executive Order 12898/Title VI

Federal Executive Order 12898: *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,* ensures that minority and low-income populations and minority-owned businesses do not receive disproportionately high and adverse human health or environmental impacts as a result of federal actions. DOT Order 5610 and DOT Order 6640.23 expands upon the directives of EO 12898 by incorporating environmental justice principles in DOT and FHWA programs, policies and activities. This EA has been carried out in accordance with this guidance. In order to determine any issues of concern, minority and/or low-income populations within the Cut Bank study area were researched using U.S. Census 2000 data and U.S. Department of Housing and Urban Development (HUD) Annual Income Limits for fiscal year 2000.

Minority Populations

Census data 2000 was collected at the Census Block level (the most detailed level available) to be used in determining the composition of minority populations within the study area. Minority populations include the following racial and ethnic categories: Black, Hispanic, Asian American, American Indian, and Alaskan Native. It should be noted that Hispanic is accounted for under ethnicity, which is not a race category. Therefore the Hispanic population is not grouped with the race categories. Thus, the minority population includes races and ethnicities other than White Non-Hispanic and are described in the following sections.

The Council on Environmental Quality (CEQ) Guidance to E.O. 12898 suggests "threshold" consideration criteria to determine whether a community has a significant concentration of affected populations (i.e. minorities). For determining concentrations of minority and ethnic populations within the study area, the county statistics are used as the "threshold" for analysis.

The Cut Bank study area is located in Glacier County, Montana. Year 2000 Census data shows that Glacier County has a racial minority population of approximately 65 percent. This percentage is used as a threshold to determine if there are large numbers of racial minorities within the study area impacted by the Build Alternative (Preferred Alternative). Census data at the Block level reveals that three out of 60 Census Blocks contain minority populations of over 65 percent within the study area. The majority of the racial minorities within the study area are primarily persons of American Indian or Native Alaskan origin.

Year 2000 Census data shows that Glacier County has an ethnic minority population (Hispanic and/or Latino) of approximately 1 percent. This percentage is used as a threshold to determine if there are large numbers of ethnic minorities within the study area impacted by the Build Alternative. Census data at the Block level reveals that seven out of 60 Census Blocks within the study area contain ethnic minority populations of over 1 percent.

Low-Income Populations

U.S. Census data for income is only released at the Census Block Group level (larger than a Census Block) for reasons pertaining to confidentiality. The following data sources were used for Environmental Justice analysis of low-income populations within the study area: Year 2000 Census data for Glacier County, Cut Bank and the study area, and U.S. Department of Housing and Urban Development (HUD) Annual Income Limits for fiscal year 2000. Income thresholds are established by HUD and used by the Montana Department of Commerce to administer Section 8 Housing Assistance programs. These programs assist low-income families in paying rent and utilities based on their gross adjusted income.

According to the 2000 Census, the average household size in Glacier County is approximately three (3) persons per household. The average family size in Glacier County is approximately 3.5 persons per family. For purposes of this Environmental Justice analysis a family size of three (3) persons was used to determine the low-income threshold as defined by HUD. The definition of low-income for a family of three in Glacier County is an annual income of $17,000 or less during the fiscal year 2000. Areas with concentrations of households with an income of $17,000 or less as defined by U.S. Census 2000 Block Group data would be examined to determine potential impacts as a result of the Build (Preferred) Alternative.

Table 3.11 details the number of households at or under the $17,000 annual income level by Census Block Group. It should also be noted that the geographic extent of the three Block Groups that encompass the study area is much larger than the study area itself.

Table 3.11 Income Levels (Year 2000)

Census Block Group	Total Households	Approximate Number of Households at or Under $17,000 Annual Income (Year 2000)	Percent Households at or under $17,000 Annual Income (Year 2000)
Block Group 976000 2	276	100	36%
Block Group 976000 3	217	70	32%
Block Group 976000 4	438	148	34%

Source: U.S. Census Bureau 2000 Summary File 3

Environmental Justice Outreach

Environmental Justice guidance encourages the participation by low-income and minority populations throughout the planning process. The public participation process included a public meeting held on March 10, 2003 at the Cut Bank Civic Center. The public was encouraged to attend the meeting, which was advertised through the following media:

- Cut Bank Overpass EA and Design Newsletter #1, Spring 2003
- Press Release, February 14, 2003
- Newspaper Ads; Pioneer Press - March 5, 2003, Western Breeze - March 7, 2003

Approximately 63 people attended the March 10, 2003 meeting. At least 97 percent listed Cut Bank as their address. The number who resided within the project area is unknown.

Impacts

No Build Alternative Impacts. As a result of the No Build Alternative, there would be no disproportionate impacts to minority or low-income populations.

Build (Preferred) Alternative Impacts. It is not anticipated that the Build (Preferred) Alternative would disproportionately impact racial or ethnic minority populations. There are approximately 60 Census Blocks within the study area. Of these 60 Census Blocks, three have a minority population greater than 65 percent. Only one of these Census Blocks (Block 3001) may be affected by the Build (Preferred) Alternative by potential changes to access. Seven Blocks have an ethnic minority population greater than 1 percent. Only three of these Census Blocks (Blocks 2027, 2029, and 2037) may be affected by the Build (Preferred) Alternative.

As discussed below in the Right-of-Way and Relocations section, approximately 41 parcels may be affected by the need for additional right-of-way. Only one business (the car wash) may be relocated, and two residential relocations or acquisitions may occur. Reduced right-of-way widths or construction of a low wall may reduce or eliminate entirely the impacts to the two residential properties. It is not anticipated that the Build (Preferred) Alternative would disproportionately impact low-income populations. The three Census Block Groups in the study area do not have significantly high concentrations of low-income households. The highest percentage of low-income populations by Block Group is 36 percent.

Mitigation

No mitigation would be required.

Right-of-Way and Relocations

A right-of-way survey was conducted to determine existing right-of-way and property boundaries within the project area. Two jurisdictions own existing public right-of-way within the study area that could be used for the Build (Preferred) Alternative: MDT and the City of Cut Bank. However, if the Build (Preferred) Alternative is not chosen for the proposed project MDT may consider disposing of state property along proposed S-213. The BNSF Railway owns 75-77 linear meters (246-252 linear feet) of private right-of-way. Approximate widths of existing public right-of-way within the project area are shown in Table 3.12.

Table 3.12 Existing Right-of-Way within the Project Area

Location	Publicly Owned	Approximate Average ROW Width
Existing S-213	Yes	21-23 meters (69-75 feet)
Main St (US 2) from 2nd St. SW to 3rd Ave. SW	Yes	42-65 meters (138-213 feet)
Skyland Road	Yes	15-18 meters (49-59 feet)
BNSF	No	75-77 meters (246-252 feet)

Source: Thomas, Dean & Hoskins, A158Romapz01.dgn

Impacts

No Build Alternative Impacts. The No Build Alternative would require no new right-of-way, easements, construction permits or relocations.

Build (Preferred) Alternative Impacts. MDT owns part of the right-of-way required for the construction of the Build (Preferred) Alternative; however, acquisition of approximately 6.9 ha (17 ac) of additional right-of-way may be required by MDT.

Approximately 41 parcels may be affected by the need for additional right-of-way, including the BNSF Railway. The right-of-way needed from the BNSF Railway would be acquired through an easement to allow for piers to be placed for the overpass, and air rights (the right to use or control the space above a property) for the overpass structure itself. The overpass structure would not result in the relocation of the railroad or its abandonment.

The overpass structure would be located along the western half of 6th Avenue NW on property owned by MDT. Low retaining walls would contain the fill required by the structure. The proposed retaining walls would allow 6th Avenue NW to remain open for traffic and emergency service circulation. The residents on the eastern side of the block would continue to have street and alley access to their properties.

Two residential relocations or acquisitions may occur on the north side of Skyland Road; a mobile home structure and the garage portion of a single family residence located east of the Mountain View Baptist Church. Most of the residences in the Jacobson addition south of Skyland Road would be avoided by the shift of the new alignment of S-213 to the north side of the Skyland Road centerline. Several vacant lots north of Skyland Road and west of the Baptist Church may potentially require complete acquisition by MDT due to their location adjacent to the overpass.

Realignment of the intersection of US 2/Railroad Street/Old County Road would require additional ROW to accommodate the necessary traffic turning movements. Acquisition of this ROW would result in the displacement of the car wash located in the triangular block between US 2/Main Street and Railroad Street. Vehicular access to this parcel would also be removed.

Mitigation

Acquisition of land or property and relocations would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646 as amended), (42 U.S.C. 4601, et. seq.) and the Uniform Relocations Act Amendments of 1987 (P.L. 100-17).

Easements would be obtained according to 49 CFR, Part 24, Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, to provide just compensation for and rehabilitations of temporary construction impacts.

Impacted fences would be replaced or relocated in consultation with the property owner.

Utilities

The following utility providers maintain active infrastructure within the project corridor.

Electricity – Glacier Electric Cooperative, Inc.

Natural Gas – Cut Bank Gas Company and Montana Power Company (Rural).

Water – City Water Plant and private drilled wells (Rural).

Telephone – Qwest, 3 Rivers Telephone Cooperative (Rural), and Northern Telephone Cooperative (Rural).

Propane – Supplied by private business.

Utilities along the Old County Road right-of-way include a gas line, sanitary sewer line, electric and telephone lines, and storm drainage. Utilities along 1st Street NW include a water line, sanitary sewer line and telephone and electric lines. Utilities along Skyland Road include a gas line, crossings of electric and telephone lines, and a crossing of a sanitary sewer line.

According to city superintendent Jim Suta (personal communication March 10, 2003), 0.3 m (12 in) and 0.45 m (18 in) water mains converge near 1st Street NW and Skyland Road. A sanitary sewer lift station serving the northwest neighborhoods is located northeast of Old County Road and the BNSF tracks. In addition, Mr. Suta described the city's potential addition of a sanitary sewer lift station that would be required to serve the future Country Club Addition, which is an undeveloped subdivision planned for north of Skyland Road.

Impacts

No Build Alternative Impacts. There would be no relocations or ROW required of the utility providers as a result of the No Build Alternative.

Build (Preferred) Alternative Impacts. Utility relocations would include power lines, telephone lines, underground gas lines and water wells. Since the overpass would span 1st Street NW, the 0.3 m (12 in) and 0.45 m (18 in) water mains would not be affected. Additional details of potential utility relocations would be determined during final design.

Mitigation

In accordance with MDT Standard Specification, utility companies would be contacted to coordinate activities to avoid or minimize disruption to service.

Section 4(f) and Section 6(f) Resources

Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. § 303) and FHWA regulations (23 C.F.R. § 771.135) require FHWA to avoid the use of land from a significant publicly owned park, recreation area, or wildlife or waterfowl refuge, or from a significant historic site, unless there

is no feasible and prudent alternative to the use of land and the action includes planning to minimize harm to the property.

Twenty historic sites were investigated in the corridor, and four were eligible for listing on the National Register of Historic Places. Three of the NRHP-eligible sites (M&M Drive-In, 24GL227; Prindle House, 24GL1096; and Jackson/Freed Residence, 24GL1097) would not be impacted by the proposed right-of-way. The Jackson/Freed Residence was removed by the owner in 2005. The fourth NRHP-eligible site, the BNSF Railway grade (24GL191), would not be impacted by the placement of piers for the bridge.

No wildlife and waterfowl refuges would be affected by the proposed project.

One public park is within the project corridor. Soroptomist Park is owned by the school district and features tennis courts, picnic tables and an informal ice skating rink. Soroptomist Park is located adjacent to realigned S-213, however, there will be no impact to the park and no Section 4(f) use will result.

Section 6(f) resources are those acquired through the use of Land and Water Conservation Funds (LWCF). The LWCF (Public Law 88-578) was enacted by Congress to provide money to federal, state, and local governments to purchase lands for maintaining or enhancing recreational opportunities, clean water, wildlife habitat, scenic resources, historic sites, and wilderness areas (Land and Water Conservation Fund, 2003; U.S. Forest Service, 2003). No Section 6(f) lands have been identified in the project area by MFWP, which administers this program in Montana (see Appendix D, MFWP letter dated May 12, 2003).

Impacts

No Build Alternative Impacts. There would be no impacts to Section 4(f) or Section 6(f) resources in the No Build Alternative.

Build (Preferred) Alternative Impacts. There would be no impacts to Section 4(f) or Section 6(f) resources in the Build (Preferred) Alternative.

Mitigation

No mitigation would be required.

3.4 CONSTRUCTION IMPACTS

Transportation

No Build Alternative Impacts. The No Build Alternative would have no construction impacts to transportation resources.

Build (Preferred) Alternative Impacts. Residences and businesses in the project area may experience short-term delays or detours related to construction. The businesses located adjacent to the proposed project may be additionally inconvenienced during construction due to access limitations.

Mitigation

Early notification to and coordination with adjacent property owners will facilitate proactive management of potential construction impacts. In accordance with MDT Standard Specifications, a construction traffic management plan would be developed and implemented. Access to homes and businesses would be provided during construction.

Environmental

No Build Alternative Impacts. The No Build Alternative would have no construction impacts on the environment.

Build (Preferred) Alternative Impacts. Vegetation: Under the Build Alternative, there would be loss of vegetation due to permanent and temporary ground disturbance and a potential increase in noxious weeds because of additional area of disturbance.

Air Quality: Air quality related to construction would be limited to short-term increases in fugitive dust and mobile source emissions from construction equipment and any vehicle queuing from construction delays.

Noise: Temporary construction noise impacts would occur. Noise would temporarily increase due to pile driving and operation of other heavy equipment during construction of the bridge.

Water Resources/Wetlands: Sedimentation from temporary ground disturbance during construction activities may impact water quality in downstream locations.

Mitigation

Vegetation: In accordance with MDT Standard Specifications, clearing and grubbing of vegetation within MDT right-of-way and/or construction limits will be limited to that needed to construct the project. Disturbed areas within MDT right-of-way and easements would be revegetated with desirable species, as recommended and determined feasible by the MDT Botanist.

Air Quality: Contractors would be required to adhere to applicable regulations and employ appropriate Best Management Practices (BMPs) to minimize emissions. The construction traffic control plan will minimize disruption of traffic and associated engine idle time, which will minimize potential vehicle emissions.

Noise: Contractors would be expected to adhere to local ordinances or to agreements negotiated with the city. Advance notice of construction would be provided to area businesses and residences to minimize impacts to community activities.

Water Resources/Wetlands: An erosion control and sediment plan will be prepared and maintained in compliance with CWA Section 402 / Montana Pollutant Discharge Elimination System (MPDES) regulations. A Short-Term Exemption from Montana's Surface Water Quality Standards (318 Authorization) from MDEQ Water Quality Bureau would be obtained.

Social and Economic

No Build Alternative Impacts. The No Build Alternative would have no construction impacts on socioeconomic activities.

Build (Preferred) Alternative Impacts. Social and Community/Economic: The Build Alternative may impact residents and businesses in the project area in the short-term due to delays or detours related to construction. The businesses located adjacent to the proposed project may be additionally inconvenienced during construction due to access limitations.

Construction easements for grading, temporary access, or temporary construction staging may be needed from property owners in the project area, including BNSF Railway. While the property owners would retain ownership of these areas, their use of these areas during construction would be restricted by particular construction activities. Temporary construction easements from BNSF would be needed for grading, drainage, access, or construction staging on the existing railroad right-of-way.

Visual: Temporary impacts from construction would impact views, and a temporary visual disturbance would occur due to loss of vegetation during construction and to equipment and materials stored on site.

Energy: During construction, energy efficiency would temporarily decrease as construction vehicles and machinery consume fuel.

Mitigation

Social and Community/Economic: MDT would notify property owners, including the BNSF Railway, of construction activities. During construction, travel delays would be minimized to the extent feasible.

Visual: Equipment and materials would generally be stored in designated staging sites. BMPs would be implemented for dust control. Permanent desirable vegetation would be re-established on disturbed areas within MDT right-of-way and easements.

Energy: Energy consumption would be minimized to the extent practicable during construction by locating staging areas within close proximity to construction activities, using on-site materials, and properly maintaining construction equipment.

3.5 SECONDARY AND CUMULATIVE IMPACTS

Secondary Impacts

Secondary impacts (also referred to as "indirect" impacts) are caused by the action and are later in time and farther removed in distance, but are still reasonably foreseeable (40 CRF Section 1508.7). The railroad overpass project may result in secondary traffic impacts related to changes to travel patterns within the Cut Bank project vicinity. The re-routing of existing S-213 and construction of the overpass over the BNSF Railway would likely increase traffic volumes on the proposed Skyland Road/S-213 alignment and maintain or decrease volumes on Central Avenue. The Build (Preferred) Alternative would be expected to result in the redistribution of traffic patterns throughout much of Cut Bank.

Cumulative Impacts

Cumulative impacts are impacts that result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of which agency (federal or non-federal) undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Generally,

significant cumulative impacts can result when (1) resources are vulnerable to cumulative effects (e.g., wetlands), (2) the same type of impact is occurring from multiple projects (e.g., runoff from multiple road construction projects), (3) effects have been historically significant for a resource (e.g., a non-attainment area for air quality), or (4) other analyses have identified cumulative effects as a concern in the project area.

Cumulative impacts would not be expected for resources not present within the project area, where no impacts were identified from the preferred alternative or where impacts are expected to be avoided or minimized during final design. Therefore, the following resources are not addressed in this analysis:

- Vegetation, wildlife and fisheries, wetlands, Threatened and Endangered species
- Water resources and water quality
- Cultural and historic resources
- Parks and recreational facilities
- Solid waste/hazardous materials
- Right-of-way
- Utilities
- Construction impacts

Resources evaluated for potential cumulative impacts include traffic/transportation, land use and social/community/economic, as described below.

Multiple public and private projects are planned or underway in the project area, as shown in Table 3.1. No recent past projects were identified as applicable.

Table 3.13 Planned Projects and Projects Underway in the Cut Bank Area

Project Name	Description
Cut Bank – West [1] (MDT Project: NH 1-3(40)247; CN 1310)	Reconstruction of approximately 14.1 km (8.8 mi) of US 2 beginning at RP 246±.
Front Street BNSF Overpass – Shelby [1] (MDT Project: BH-STPP 67-1(2)0; CN 4537)	Bridge Rehabilitation on MT-67 at RP 0.0±.
Pioneer Bar and Casino	Private casino approximately 10,000 square feet in size. Located on N. Central Ave.
Casino	Private casino approximately 2,200 square feet in size. Located on US-2 in south Cut Bank area.
US Department of Agriculture facility	USDA office located on S-213 north of Cut Bank.
19 km NW of Glacier County Line-NW[1] (MDT Project: STPP 3-4(8)101; CN 4046)	Slope flatten and widen approximately 14.4 km (8.9 mi) of US 89 beginning at RP 101±, located southeast of Browning.

1. Source: MDT Statewide Transportation Improvement Program, Final 2006-2008.

No Build Alternative Impacts. As a result of the No Build Alternative, there would be no cumulative impacts.

Build (Preferred) Alternative Impacts.

As shown in Table 3.13, several public roadway and private development projects are scheduled or currently under construction. The following paragraphs explore potential cumulative impacts those projects may have in regard to traffic, land use or socioeconomic conditions within Cut Bank.

Traffic/Transportation: Roadway and development projects are actions that can lead to an increase in traffic or change in traffic patterns. The projects listed in Table 3.12 may result in cumulative increases in traffic and changes in traffic patterns. However, those traffic pattern changes are reflected in the purpose of the Cut Bank Overpass and the Cut Bank West projects and are expected to result in an overall improvement in mobility and reduction in travel times. As discussed in Sections and 1.0 and 3.1, the projected increase in traffic volumes is one of the reasons that the Cut Bank RR Overpass is being proposed. The project is being proposed to keep up with projected needs rather than induce future needs. No cumulative negative impacts to traffic are anticipated as a result of these projects. A potentially positive cumulative impact is that the Cut Bank West and Cut Bank Railroad Overpass projects both include non-motorized facilities (sidewalks and bike paths) to separate travel modes. Those facilities could encourage an increase in pedestrian or bike traffic.

Roadway improvements and paving projects within or between the cities of Shelby, Cut Bank and Browning (Table 3.13) would not be expected to generate cumulative negative impacts because the projects are improving an existing infrastructure system. Those transportation projects focus on safety and spot improvements that would not increase capacity.

Land Use: The area surrounding the S-213 project corridor is expected to continue the gradual change from agricultural to commercial (near the eastern and western ends of the project area) and residential (through the middle and western portions of the project area). This land use change is expected to occur with or without the proposed roadway improvements.

Social/Community/Economic: The combined Cut Bank West and the Cut Bank Overpass roadway projects will result in access changes to some businesses and rerouting of travel routes to the realigned S-213. However, mitigation measures employed in both projects will minimize overall impacts. The casino and USDA office projects currently under construction are not affected by these access or route changes. No cumulative negative social/community/economic impacts are anticipated to result from the projects listed in Table 3.13.

Land Use

The area surrounding the S-213 project corridor is expected to continue the gradual change from agricultural to commercial (near the eastern and western ends of the project area) and residential (through the middle and western portions of the project area). This land use change is expected to occur with or without the proposed roadway improvements. Residential developments are driven by numerous factors in addition to roadway facilities. Future residential subdivisions would increase travel on the area roadways, but these developments are not expected to induce additional traffic above what would occur without the roadway improvements.

Social/Community/Economic

The combined Cut Bank West and the Cut Bank Overpass projects will result in access changes to some businesses and rerouting of travel routes to the realigned S-213. Mitigation measures to

address economic impacts include reconstruction of business accesses and signage to direct southbound S-213 traffic to the city center via Central Avenue and the new overpass.

3.6 PERMITS

The permits and approvals listed below would be required for the Build (Preferred) Alternative and must be obtained prior to any construction:

- Section 402/Montana Pollutant Discharge Elimination System (MPDES) authorization from MDEQ Permitting and Compliance Division. The MPDES permit requires a storm water pollution prevention plan that includes a temporary erosion and sediment control plan. The erosion and sediment control plan identifies BMPs, as well as site-specific measures to minimize erosion and prevent eroded sediment from leaving the work zone.
- Short-Term Exemption from Montana's Surface Water Quality Standards (318 Authorization) from the MDEQ-Water Quality Bureau for any activities that may cause unavoidable violations of state surface water quality standards for turbidity, total dissolved solids or temperature (potentially for Bums Coulee).

4.0 Distribution List

4.1 FEDERAL AGENCIES

U.S. Army Corps of Engineers
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, MT 59626
Allan Steinle, Montana Program Manager

U.S. Fish and Wildlife Service
Montana Field Office
585 Shepard Way
Helena, MT 59601
R. Mark Wilson, Field Supervisor

U.S.D.A. Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, MT 59715
Dave White, State Conservationist

Federal Railroad Administration
Region 8 Office
500 East Broadway, Suite 240
Vancouver, WA 98660
Dave Brooks, Regional Manager

4.2 STATE AGENCIES

Montana Fish, Wildlife and Parks
4600 Giant Springs Road
Great Falls, MT 59405
Mike Aderhold, Region 4 Supervisor

Montana Department of Natural Resources and Conservation
Northwestern Land Office
2250 Hwy 93 North
Kalispell, MT 59901-2557
Bob Sandman, Area Manager

Montana Department of Environmental Quality
Lee Metcalf Building
1520 East Sixth Avenue, PO Box 200901
Helena, MT 59620-0901
Steve Welch, Permitting and Compliance Division Administrator

Montana Natural Heritage Program
1515 East 6th Avenue, PO Box 201800
Helena, MT 59620-1800
Sue Crispin, Director

4.3 LOCAL AGENCIES

City of Cut Bank
221 W. Main Street
Cut Bank, MT 59427
Marion Culleton, Mayor
Jim Suta, City Superintendent

Glacier County Commissioners
512 East Main Street
Cut Bank, MT 59427
Ray Salois, John Ray, Mike DesRosier

Anna Jeffries and H.C. Davis Elementary Schools
105 2nd Street NW
Cut Bank, MT 59427
Venus Dodson, Principal

Cut Bank School District
101 3rd Avenue SE
Cut Bank, MT 59427
Wade Johnson, Superintendent

Glacier Action & Involvement Now (GAIN)
PO Box 1329
4 North Central Avenue
Cut Bank, MT 59427
Joni Stewart, Executive Director

4.4 OTHER

BNSF Railway Company
2454 Occidental Avenue South, Suite 1A
Seattle, WA 98134
John Li, Manager Public Projects

5.0 Comments and Coordination

MDT and FHWA procedures for preparing an Environmental Assessment emphasize cooperative consultation among agencies as well as the early and continued involvement of persons who may be either interested in or affected by the proposed project. This chapter documents the specific elements of the public and agency involvement.

5.1 AGENCY CONSULTATION

The following agencies were contacted via letter at the beginning of the study process and were asked to provide information. These agencies were also provided an opportunity to comment on the proposed project.

- U.S.D.A. Natural Resources Conservation Service
- U.S. Army – Corps of Engineers
- Montana Fish, Wildlife and Parks
- U.S. Fish and Wildlife Service
- Montana Department of Natural Resources and Conservation
- Montana Department of Environmental Quality
- Montana Natural Heritage Program
- City of Cut Bank
- Glacier County Commissioners
- Burlington Northern Santa Fe Railway

5.2 COOPERATING AGENCIES

Of the agencies listed above, the first five were asked to be cooperating agencies. Cooperating agencies are those that formally participate in the review process of the Environmental Assessment. These agencies help to determine and review the issues to be addressed during the environmental documentation process and how to mitigate impacts to environmental resources that result from the proposed project. The following agencies are those that agreed to be the cooperating agencies for this proposed project. Agency response letters are in Appendix D.

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service

5.3 PUBLIC INVOLVEMENT

One public meeting was held on March 10, 2003 to solicit input into issues related to the proposed project. Approximately 63 Cut Bank area residents attended.

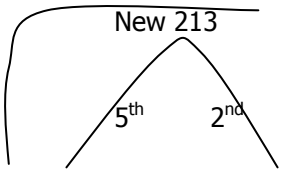
Summary of Issues Expressed at March 10, 2003 Public Meeting

Pedestrian Sidewalks/Bike Paths

- RR should add cross walks for kids at central and eastern crossings
- Need to consider a barrier on the bridge between the shoulder and the sidewalk
- Like bike path idea on bridge
- 5 foot shoulder is a good idea for bicyclist
- Need to fence RR tracks at existing County Road crossing once bridge is built to keep folks from crossing at-grade
- Close all three Railroad crossings. Put in pedestrian overpass, run road down 213 to 2nd and have one bridge serve town.

Road/Traffic Engineering

- Consider sign at S-213/Nyhagen to identify if crossing is blocked (To let drivers know to use new route to overpass rather than Central)
- Tie-in of new S-213 north of town – need large left turn lane onto Central
- Need a traffic signal at the new S-213/US-2 Intersection
- Consider making 5th Ave. SW one-way south to 2nd Street SW as quick way to the hospital from proposed overpass route
- One-way at "Malfunction Junction" - would be good to think of moving it down
- 2nd to 5th – creating "L" to keep away from new S-213 – Could be agreeable to residents



- A right-angle intersection would be important near "Y" at car wash

Truck Traffic Impacts

- Most of truck traffic will want to continue using Central to go to grain elevators
- Tractor trailers on Skyland – speed, noise, safety
- The Cut Bank West project will conclude at western intersection – could be 5 lanes coming in from west and may impact access to Albertsons
- Concept for 5th Avenue SW one-way southbound would result in trucks in neighborhood (Diesel trucks to/from town pump)
- Oil field equipment is moved on the 1st Avenue now – They would go through neighborhood if 1st is not kept open
- Wide tractors will travel the new road – will clip trees

Traffic Impacts

- More driveway traffic onto US-2 will result from closing the Albertsons access to Old County Road
- What about hazards of putting 3000 vehicles on neighborhood streets?
- Proximity to Albertsons driveway is a concern, especially with queues if the S-213/US-2 intersection was signalized

Safety Impacts

- Hazardous materials on road
- Kids leaving ice rink and tennis area as they get on Skyland – there would be a higher risk for accidents if Skyland becomes S-213
- Soroptomist Park will be impacted - dangerous intersection near park and Skyland
- Concern about impacts to the Soroptomist Park and tennis courts/ice rink – Kids in area crossing road are concerns
- Railroad intersection is a high accident location
- Vehicles with hazardous materials will be traveling through the residential neighborhood along Skyland

Property Impacts

- Need an aesthetically-pleasing structure (consider Cedar Street in Helena)
- Property owner's home/land (along Skyland) would probably be cut back
- Concern about noise in neighborhood by new road- consider ordinance (by city) for "No engine brakes" and possible mitigation if warranted
- Concern the new road improvements will take homes along Skyland Road

Economic Impacts

- Skyland would make people stay north of town and travel out of town without spending money
- Wants traffic to continue traveling on Main St. – through town – not on the east edge of town – Skyland is a good idea
- Yellow alignment (on map) creates business viability for the mall and downtown
- Consider loss of revenue to public waiting for train

Utilities Impacts

- Water lines and natural gas lines cross at area of proposed overpass
- Gas lines north of Skyland, Church and Park are impacted if the pink or blue alternatives are pursued

Alternatives Suggestions

- Proposed overpass is in the heart of the community - the eastern option is too far east

- Why can't intersection hook into 6th NE and go straight across tracks without going all way through town?
  - Number of tracks
  - Type of bridge to span tracks
  - BNSF funding may not apply on East side
- What about using a central road alignment to come into town and go in front of school? Then put curve westerly toward overpass
- 4th Ave. SW is another way to 2nd
- Residents along Skyland suggested better alignment to the north (refer to pink alignment on map)

Emergency Response

- Overpass on eastside would provide quicker access to hospital
- If overpass is built it will be automatic direction emergency people will turn, despite length of time – it will save time
- Create one-way from hospital by middle school- would create straight shot to hospital

Miscellaneous

- Consider sports complex east on Nyhagen Road
- New speed limits have been posted on 213 as you enter town from the North (within the past two weeks)
- If you have one less RR crossing, you'll have one less train whistle

5.4 OTHER PUBLIC INVOLVEMENT AND COORDINATION

One-on-One Policymaker Interviews

Meetings were held with Glacier County Commissioners on December 19, 2002 and March 10, 2003 to discuss potential issues and solutions. Interviews were conducted December 18, 2002 with BNSF track inspector Tom Bailey and Cut Bank Mayor Marion Culleton. Interviews were conducted December 19, 2002 with Glacier Action and Involvement Now, Inc. (GAIN) Director Joni Stewart; Cut Bank School Superintendent Dennis Roseleip; the Anna Jeffries Elementary School secretary (standing in for Principal Venus Dodson); and Albertsons Grocery Manager Trevor Shirk.

On March 10, 2003, an interview was conducted with City of Cut Bank Public Works Director Jim Suta. On March 11, 2003, interviews were conducted with School Bus Administrator Ron Hill, and School District Elementary School Principal Venus Dodson.

Newsletters

A project newsletter was prepared prior to the public meeting and sent to approximately 1800 people. The public meeting date was March 10, 2003. Extra newsletters were provided to the post office, library and town offices for additional circulation.

Media

Press releases announcing the public meeting were sent to *The Pioneer Press* and the *Western Breeze*. An advertisement was prepared to announce the public meeting and placed in the papers listed above, which appeared March 5, 2003 and March 7, 2003, respectively.

5.5 FUTURE PUBLIC INVOLVEMENT AND INFORMATION ACTIVITIES

- Newsletter
- Notice of Availability of Environmental Assessment
- Public Hearing

5.6 OPPORTUNITIES FOR COMMENTS

Copies of this Environmental Assessment are available for public review at the following locations:

Glacier County Government/Planning Office, 512 E. Main Street, Cut Bank, MT 59427

Glacier County Court House, 1210 E. Main Street, Cut Bank, MT 59427

Cut Bank City Hall, 221 W. Main Street, Cut Bank, MT 59427

Cut Bank Library, 21 1st Avenue SE, Cut Bank, MT 59427

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6.0 List of Reviewers and Preparers

The following is a list of the project team that participated in the environmental documentation process for the Cut Bank Overpass EA and Design project.

Federal Highway Administration (Reviewer)

Bob Seliskar, District Program Manager

Carl James, Transportation Specialist

Theodore G. Burch, Program Development Engineer

Montana Department of Transportation (Reviewer)

Tom Martin, P.E., Consultant Design Engineer

Mick Johnson, District Administrator

Tom Hansen, P.E., Environmental Engineering Section Supervisor

Stephen Prinzing, P.E., Engineering Services Supervisor

Mark Studt, P.E., Consultant Project Engineer

Jean Riley, P.E., Environmental Services Bureau Chief

Thomas Gocksch, P.E., Environmental Services

Christie McOmber, P.E. District Projects Engineer

Danielle Bolan, P.E. Traffic Engineer, Traffic and Safety Bureau

Jon Axline, Historian

Heidy Bruner, Environmental Services

David Evans and Associates, Inc. (Preparer)

Larry Olson, P.E., Project Manager, Surveying and Drainage Design

Kip Coulter, P.E., Bridge Design

Joseph Hart, P.E., Traffic Engineering

Steve Long, P.E., Roadway Design

Jane Boand, AICP, NEPA Documentation

Stacy Tschuor, P.E., Traffic Engineering

Mike Grant, Roadway Design

Darren Sporing, Roadway Design

Chad Ricklefs, AICP, Natural Resources, Socioeconomics

Saundra Dowling, AICP, NEPA Documentation (formerly with DEA)

Martha Wiley, Biological Resources (formerly with DEA)

Sue Platte, Biological Resources (formerly with DEA)

Jacqueline Halvorson, Water Resources (formerly with DEA)

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7.0 List of Sources/Documents

Alternatives Development

Study of Alternate Solutions for Separating FAS 213 and the Great Northern Railway at Cut Bank, prepared by Montana State Highway Commission Preconstruction Division, February 1969.

Burlington Northern Railroad Crossing Study, Cut Bank Montana, prepared for Cut Bank-Glacier City-County Planning Board, prepared by Clete Daily & Associates, April 1980.

Overpass Study for Separating FAS 213 and the Burlington Northern Santa Fe Railway, Cut Bank, Montana, prepared for Montana Department of Transportation, prepared by Thomas, Dean & Hoskins, Inc., October 2000.

Cut Bank – West Categorical Exclusion (F 1-3(20) 247 CN 1310), prepared by Montana Department of Transportation, July 29, 2002. Approved by FHWA August 7, 2002.

Rural Resource Team Report for the Community Visioning Workshop, January 22, 23 and 24, 2002, Montana Rural Development Partners, Inc. (sponsored by Glacier Action & Involvement Now, Inc. and City of Cut Bank).

Transportation

Project meeting minutes regarding design review and conceptual alternatives. Meeting held in Helena between DEA staff, MDT staff and FHWA staff. June 17, 2003.

Preliminary Traffic Engineering and Geometrics Report: David Evans and Associates, Inc. 2003.

MDT Statewide Transportation Improvement Program, Final 2003-2005 and Draft 2004-2006.

MDT Memorandum from Joseph P. Kolman to MDT distribution list. Subject: Vertical Clearance Railroad Separations (23 CFR 646.212(a)(3)). June 19, 2003.

Environmental

Biological Resources

Cut Bank Overpass Biological Resource Report, David Evans and Associates, Inc. (DEA). Draft, October 3, 2003.

Montana Fish, Wildlife and Parks (MFWP). Correspondence May 12, 2003.

Montana Natural Heritage Program (MTNHP). Correspondence February 28, 2003.

Montana Natural Resources Conservation Service (NRCS). Correspondence May 2, 2003.

U.S. Fish and Wildlife Service (USFWS). Correspondence March 18, 2003.

U.S. Army Corps of Engineers (COE). Correspondence June 5, 2003.

Cut Bank Water Resources Report. David Evans and Associates, Inc. (DEA). Draft, September 2003.

Environmental Protection Agency, U.S. Sole Source Aquifer Program. 2000. http://www.epa.gov/safewater/swp/ssa/reg8.html

Federal Emergency Management Act. 2000. http://www.fema.gov/.

Federal Emergency Management Act FIRM Map 1510010B [1]. January 1990.

Montana Bureau of Mines and Geology. 2001. http://nris.state.mt.us/mapper.

Montana Bureau of Mines and Geology. Ground Water Information Center (GWIC). 2001. http://nris.state.mt.us/mapper.

Montana Department of Environmental Quality 303(d) Report. 1996. http://www.deq.state.mt.us/.

Montana Department of Environmental Quality 303(d) Report. 2002. http://www.deq.state.mt.us/.

Montana Department of Transportation Cut Bank Overpass EA and Design Aerial Map. February 11, 2003.

NRCS National Water and Climate Center (NWCC) and the Spatial Climate Analysis Service (SCAS) at Oregon State University (OSU), developers of PRISM (the Parameter-elevation Regressions on Independent Slopes Model).

USGS Topographic Map. Cut Bank, Montana Quad. 1966. Photo-inspected in 1980.

Suta, Jim. Public Works Director. City of Cut Bank. Personal Communication. March 19, 2003.

Cultural and Historic Resources

Cut Bank Overpass Project (STPS 213-1(10)0) Class III Cultural Resource Survey Results Glacier County, Montana, Aaberg Cultural Resource Consulting Service, June 2003.

Addendum to Cut Bank Overpass Project (STPS 213-1(10)0) Class III Cultural Resource Survey Results Glacier County, Montana (2003-2004), Aaberg Cultural Resource Consulting Service, February 2004.

Parks and Recreational Facilities

Determination of existence of Section 6(f) properties and use of National Land and Water Conservation Funds (LWCF): personal communication with Cut Bank Mayor Marion Culleton, Nov. 12, 2003, and School Superintendent Dennis Roseleip, November 12, 2003.

Determination of existence of Section 6(f) properties and use of National Land and Water Conservation Funds (LWCF): May 12, 2003 letter from Montana Fish, Wildlife and Parks (MFWP).

Anna Jeffries Elementary School facilities. Personal communication with Cut Bank School District Clerk, April 22, 2004.

Ownership Study and Narrative Right-of-Way Report, David Evans and Associates, September 24, 2004.

Air Quality

Montana Department of Environmental Quality (MDEQ) "CO and PM-10 Non-Attainment Areas". March 10, 1994 map.

Montana Department of Environmental Quality (MDEQ) http://www.deq.state.mt.us/ppa/rpp/AirNonattainment.asp. September 2003.

FHWA Interim Guidance on Air Toxic Analysis in NEPA Documents, February 3, 2006.

Hazardous Waste Assessment

Initial Site Assessment and Hazardous Materials/Substances and Water Quality Preliminary Site Investigation, prepared by Terracon. May 7, 2003.

Revised Initial Site Assessment and Hazardous Materials/Substances and Water Quality Preliminary Site Investigation, prepared by Terracon. February 9, 2004.

Montana Department of Environmental Quality (MDEQ) leaking underground storage tank files, Helena MDEQ offices. 2003.

Noise Assessment

Cut Bank Overpass Preliminary Traffic Noise Memorandum: Big Sky Acoustics, LLC. 2003.

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Appendices

A. Design Options Considered for Build (Preferred) Alternative

B. Summary of Grade Separation Studies

C. Farmland Conversion Impact Rating

D. Agency Coordination and Agency Letters

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Appendix A
Design Options Considered for Build (Preferred) Alternative

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Design Options Previously Considered for Build (Preferred) Alternative

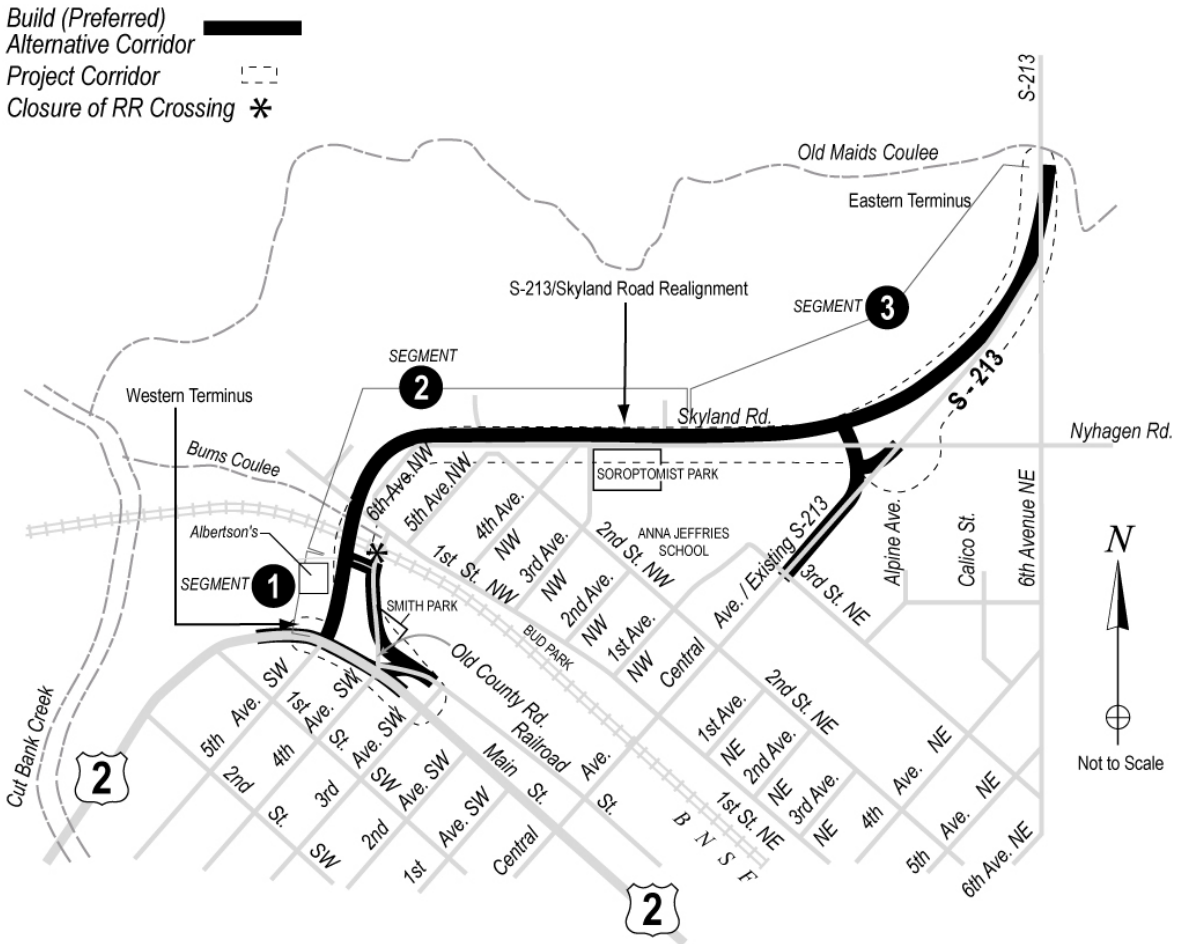
The Build (Preferred) Alternative was developed based on an analysis of alignment, access and typical sections for three segments of proposed S-213, as described below. These three segments included the overpass tie-in options to US 2 (Segment 1), alignment and crossing options at the railroad (Segment 2), and intersection geometry near the eastern terminus (Segment 3).

The Build Alternative was developed in three segments, as shown in the Figure A.1 below. Each segment considered multiple design options for the vertical and horizontal alignment.

The design options were presented to MDT at a project meeting on June 17, 2003. The segments and their characteristics and design options are described in detail here. The design options were then screened using the criteria described below. The screening process resulted in the identification of Design Option 6 in Segment 1, Design Option 5 in Segment 2, and Design Option 2 in Segment 3 as the best options for meeting the project purpose and need.

These design elements were reviewed with MDT and the City of Cut Bank at an alignment and grade meeting in May 2005. Some design elements were modified at that time, resulting in the Build Alternative analyzed in this EA.

Figure A.1 Project Corridor Segments



Evaluation Criteria (Screening Process)

Evaluation criteria were developed to measure the degree to which each alternative met the purpose and need of the proposed project and could be implemented. These criteria included:

- Improvement to safety
- Provision of an uninterrupted travel route across town to improve mobility
- Minimization or avoidance of impacts to resources
- Reasonableness of cost
- Ability to meet MDT design criteria
- Compatibility with the eastern terminus of the Cut Bank West project

Segment 1 – The S-213 and US 2 Intersection Area

Six design options were originally considered for the new overpass tie-in at this intersection and presented to MDT on June 17, 2003. The new S-213 and US 2 intersection is complicated by the need to accommodate several other roadways that intersect US 2 in the immediate vicinity. These roadways include Railroad Street (a city-designated truck route through Cut Bank), Old County Road (OCR) to the north, and 4th and 5th Avenues SW to the south.

The six design options reviewed at the June 17, 2003 meeting with MDT are described here:

Design Option 1

- S-213 would tie into US 2 at 5th Avenue SW. US 2 would be designed to include exclusive left turn lanes.
- The US 2 intersection with Old County Road (OCR) at 4th Avenue SW would be reconfigured. OCR would become a modified "T" intersection at US 2 just west of 4th Avenue SW.
- The US 2 intersection with Railroad Street at 4th Avenue SW would be reconfigured. The Railroad Street connection would be shifted eastward to join US 2 between 4th and 3rd Avenues SW.

Design Option 2

- S-213 would tie into US 2 at 5th Avenue SW. US 2 would be designed to include exclusive left turn lanes.
- The US 2 intersection with OCR and with Railroad Street at 4th Avenue SW would be disconnected. OCR would have direct continuity with Railroad Street west of 3rd Avenue SW.
- The US 2 intersection at 4th Avenue SW would reconfigure 4th into a "T" intersection.
- US 2 access to Railroad Street and OCR would be provided via 3rd Avenue SW. US 2 would intersect 3rd Avenue SW in all directions.

Design Option 3

- S-213 would tie into US 2 at 5th Avenue SW. US 2 would be designed to include exclusive left turn lanes.

- The US 2 intersection with OCR would be reconfigured. Southbound OCR traffic would not be able to directly access 4th Avenue SW. Southbound OCR traffic would be diverted westward onto US 2 or eastward onto Railroad Street.
- The US 2 intersection at 4th Avenue SW would reconfigure 4th into a "T" intersection.
- US 2 access to Railroad Street and OCR would occur via 3rd Avenue SW. US 2 would intersect 3rd Avenue SW in all directions.

Design Option 4

- S-213 would tie into US 2 at 5th Avenue SW. US 2 would be designed to include exclusive left turn lanes.
- Primary east-west traffic continuity would occur between US 2 and Railroad Street, with westbound Main Street traffic intersecting Railroad Street opposite OCR. Eastbound US 2 traffic east of the new S-213 intersection would have direct continuity with both Railroad Street and Main Street.
- The US 2 intersection with OCR would be reconfigured. Southbound OCR traffic would not be able to directly access 4th Avenue SW. Southbound OCR traffic would be diverted westward onto US 2 or eastward onto Railroad Street.
- The US 2 intersection at 4th Avenue SW would reconfigure 4th into a modified "T" intersection.
- US 2 access to Railroad Street and OCR would occur at a "Y" intersection just west of 4th Avenue SW.

Design Option 5

- S-213 would tie into US 2 at 5th Avenue SW. US 2 would be designed to include exclusive left turn lanes.
- Primary east-west traffic continuity would occur between US 2 and Railroad Street, with westbound Main Street traffic routed to intersect Railroad Street via 3rd Avenue SW. Eastbound US 2 traffic east of the new S-213 intersection would have direct continuity with both Railroad Street and Main Street. Main Street from west of 4th Avenue SW to 3rd Avenue SW would be directed to one-way eastbound traffic.
- The US 2 intersection with OCR would be reconfigured. Southbound OCR traffic would not be able to directly access 4th Avenue SW. Southbound OCR traffic could turn westward onto US 2 or eastward onto Railroad Street.
- The US 2 intersection at 4th Avenue SW would reconfigure 4th into a "T" intersection.

Design Option 6 (Identified as an element of the Build (Preferred) Alternative)

- S-213 would tie into US 2 at 5th Avenue SW, a location providing good access to the city's street grid. US 2 would be designed to include exclusive left turn lanes.
- The US 2 intersection with OCR would be reconfigured. Automobile traffic from the OCR must either turn right onto US 2 or left onto Railroad Street. Large trucks southbound on OCR bound for US 2 would only be allowed to turn left onto Railroad Street due to limited turning radius provided at the corridor. If these trucks planned to travel westward on US 2, their access to westbound US 2 would need to follow Railroad Street, turn right onto 3rd Avenue SW and turn right onto US 2/Main Street.

- The US 2 intersection at 4th Avenue SW would also reconfigure 4th Avenue SW into a "T" intersection. 4th Avenue SW is a one-way street; the one-way direction travels away from US 2/Main Street Access to 4th Avenue SW would be limited only to eastbound travelers on US 2/Main Street making a right onto the 4th Avenue SW one way. Because the median simplifies the intersection of 4th Avenue SW with US 2, the street could be converted to two-way traffic operations.

Segment 2 – The S-213 Alignment over the BNSF Railway (Overpass) and Along Existing Skyland Road

At the June 17, 2003 meeting with MDT, several alignment options were evaluated for crossing the BNSF Railway tracks and connecting realigned S-213 to Skyland Road. These options also examined whether shoulders should be sufficiently wide to accommodate bicycles. Option A featured a shoulder width of 1.2 m (4 ft); Option B featured a shoulder width of 1.5 m (5 ft) to provide more area to accommodate bicycles.

S-213 Alignment Over the BNSF Railway (Overpass). Several bridge span configurations were considered in this segment, and each accommodated bicycles (option B). Each bridge configuration spanned from the south curb of the Albertsons access drive, across the BNSF property and tracks, to the north curb line of 1st Street NW. The overall bridge length would be about 137 m (450 ft), subject to further refinement in final design. The bridge height would meet the minimum requirement of 7.1 m (23 ft 3.5 in) over the tracks (23 CFR 646.212(a)(3)). The bridge configurations differed only in the number of spans and superstructure type. For instance, a three-span steel plate girder bridge was compared with a four-span concrete girder bridge. A five-span bridge was also evaluated. The number of bridge spans would be further evaluated and refined in final design. The goal is to minimize the impacts to the BNSF property, to minimize the extent of roadway embankment and walls that would be required on and adjacent to it, and to maintain the Albertsons access drive. An additional goal for the bridge would be to lessen the visual impact of the proposed project when viewed from the town side. Block Mechanically Stabilized Earth (MSE) or concrete cantilever walls would be considered to contain the roadway embankment behind the abutments and minimize the impacts to adjacent properties. Fencing would be required to ensure public safety at the tops of the walls.

The intersection at 5th Avenue NW and 2nd Street NW could remain open by providing short tangent sections from the existing intersections with the new S-213 alignment to the northerly shifted alignment of Skyland, or the intersection could be closed if the city desires. Closing the intersection would benefit traffic safety, and emergency response would not be compromised.

S-213 Along Existing Skyland Road. Each design option considered a sub-option A with a 1.2-m (4-ft) shoulder, and a sub-option B with a 1.5-m (5-ft) shoulder.

Design Option 1

- S-213 would begin at the proposed intersection with US 2 at 5th Avenue SW. The alignment would be parallel to and east of the Albertsons building.
- The overpass crossing would be skewed over the BNSF tracks and 1st Street NW.
- S-213 would curve into the overpass elevation west of 6th Avenue NW.
- S-213 would stay fully centered on the existing Skyland Road right-of-way centerline.

Design Option 2

- S-213 would begin at the proposed intersection with US 2 at 5th Avenue SW. The alignment would be parallel to and east of the Albertsons building.
- The overpass crossing would be skewed over the BNSF tracks and 1st Street NW.
- S-213 would curve into the overpass elevation west of 6th Avenue NW.
- S-213 would shift north and mostly parallel existing Skyland Road. This shift could improve the geometry of the S-213 intersection with 5th Avenue NW and 2nd Street NW. Beginning at 3rd Avenue NW, S-213 would align with the existing Skyland Road centerline.

Design Option 3

- S-213 would begin at the proposed intersection with US 2 at 5th Avenue SW. The alignment would curve along and be closer to the east side of the Albertsons building.
- The overpass crossing would be skewed over the BNSF tracks, but 1st Street NW would pass beneath at a right angle.
- S-213 would begin curving into the overpass elevation more to the west of 6th Avenue NW than the other options.
- S-213 would stay fully centered on the existing Skyland Road right-of-way centerline.

Design Option 4

- S-213 would begin at the proposed intersection with US 2 at 5th Avenue SW. The alignment would be angled along the east side of the Albertsons building.
- The overpass crossing would be nearly 90 degrees over the BNSF tracks. 1st Street NW would cross under at a skew.
- S-213 would begin curving into the overpass elevation west of 6th Avenue NW.
- S-213 would stay fully centered on the existing Skyland Road right-of-way centerline.

Design Option 5 (Identified as an element of the Build (Preferred) Alternative)

- S-213 would begin at the proposed intersection with US 2 at 5th Avenue SW. The alignment would be angled along the east side of the Albertsons building.
- The overpass crossing would be nearly 90 degrees over the BNSF tracks. 1st Street NW would cross under at a skew.
- S-213 would begin curving into the overpass elevation west of 6th Avenue NW.
- S-213 would shift north and mostly parallel existing Skyland Road. This shift could improve the geometry of the S-213 intersection with 5th Avenue NW and 2nd Street NW, or 5th Avenue NW and 2nd Street NW could be disconnected from S-213. It would be preferable to disconnect 5th Avenue NW and 2nd Street NW from S-213 because of their proximity to the curve from the overpass. Beginning just east of 3rd Avenue NW, S-213 would align with the existing Skyland Road centerline.

Segment 3 – Proposed S-213 from Central Avenue and Nyhagen Road to the Eastern Terminus at Existing S-213

At the June 17, 2003 project meeting with MDT, several design options for the intersection of the new S-213 with Central Avenue and Nyhagen Road were considered and evaluated. These included:

Design Option 1

- Central Avenue and Nyhagen Road would intersect as it currently does.
- Central Avenue and Nyhagen Road would tie into S-213 with a perpendicular "T" intersection.
- A single lane would also extend northbound from Nyhagen Road to S-213.
- The 6th Avenue NE connection to S-213 would be reconfigured to a "T" intersection.

Design Option 2 (Identified as an element of the Build (Preferred) Alternative)

- Central Avenue would tie into S-213 with a skewed intersection and exclusive turn lanes.
- A single lane would also extend northbound to merge with S-213 south of 6th Avenue NE.
- The Central Avenue and Nyhagen Road intersection would be disconnected and a cul-de-sac designed for Nyhagen. Nyhagen in this area would be accessed from 6th Avenue NE only.
- The 6th Avenue NE connection to S-213 would be reconfigured to a "T" intersection.

Design Option 3

- Central Avenue would tie into S-213 with a perpendicular "T" intersection and exclusive turn lanes.
- Central Avenue and Nyhagen Road would intersect west of its existing intersection.
- The 6th Avenue NE connection to S-213 would be reconfigured to a "T" intersection.

Appendix B
Summary of Grade Separation Studies

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Summary of Grade Separation Studies

Several previous studies have evaluated the need for a railroad overpass within the City of Cut Bank. These studies include the *Study of Alternate Solutions for Separating FAS 213 and the Great Northern Railway at Cut Bank*, Montana State Highway Commission Preconstruction Division (February 1969), the *Burlington Northern Railroad Crossing Study, Cut Bank Montana,* Cut Bank-Glacier City-County Planning Board (April 1980) and the *Overpass Study for Separating FAS 213 and the Burlington Northern Santa Fe Railway, Cut Bank, Montana*, Montana Department of Transportation (October 2000).

These previous studies and findings are summarized below and presented in Figure B.1.

1969 ALTERNATIVES EVALUATED

Study of Alternate Solutions for Separating FAS 213 and the Great Northern Railway at Cut Bank, prepared by Montana State Highway Commission Preconstruction Division, February 1969.

This study evaluated four alternatives for a grade-separated overpass.

1969 Study Evaluation Criteria: MDT design criteria for vertical and horizontal alignments including grade and sight distance, mobility (maintenance of local travel patterns and reduction of out-of-direction travel) and reasonableness of cost.

Alternative 1 – This alternative maintained S-213 on Central Avenue and widened the roadway to four lanes. The proposed grade separation involved grade-separating the highway either over or under the railway to the spur line on each side of Central Avenue. Because of the proximity of the railway tracks to Railroad Street, it was determined the grade for either type would be quite steep (in excess of 7 percent for the underpass, compared to a desired maximum grade of 3 to 4 percent. The overpass would be 3.3 percent steeper than the underpass. The underpass would restrict access to businesses along Central, but would not disrupt local circulation patterns. Considerable maintenance would be required, and drainage would be difficult and costly.

Reasons for elimination: The grade required for either the over- or underpass did not meet MDT design criteria for vertical or horizontal alignments. Alternative 1 would be comparatively expensive.

Alternative 2 – Alternative 2 included an overpass structure in the northwest vicinity of Cut Bank near 5th Avenue NW and new alignment north of Skyland Road. This alternative would require realignment of S-213 from a point immediately south of Snake Coulee (also referred to as Old Maids Coulee), along a route north of Skyland Road. The realigned S-213 would cross the railway tracks, then connect to US 2 a short distance northwest of the existing intersection of Railroad and Main Streets. A benefit of this location was that a separation structure would span only two sets of railway tracks, and the relative difference in elevation between the railway tracks and US 2 was greatest, providing desirable grades. However, out-of-direction travel would increase.

Reasons for elimination: Alternative 2 was not eliminated. This Alternative was identified as the most desirable because design criteria could be met (desirable grades could be achieved) and the cost was reasonable.

Alternative 3 – This alternative included an overpass structure in the southeast vicinity of Cut Bank. It would require realignment of S-213 from a point south of the coulee and extend southerly along

the section line until it intersected with US 2 at a location near the football field. Alignment and grades on this route would meet MDT design criteria. The overpass would cross six sets of tracks, and the crossing would be at a sharp skew. Out-of-direction travel would increase

Reasons for elimination: MDT design criteria would not be met because the overpass crossing would be at a sharp skew. The railroad overpass would be comparatively expensive because of the six sets of tracks to span. Out-of-direction travel would increase. In addition, a portion of Railroad Street at the southeast part of the city would have to be relocated, requiring right-of-way through the existing football field.

Alternative 4 – Alternative 4 included an overpass structure near the existing intersection of US 2 and Railroad Street in the southeastern part of the city. S-213 would be rerouted from south of the coulee, extending southerly along the section line approximately half the distance to US 2, then curve easterly and southerly, crossing over the railway tracks, and connecting to US 2. There would be a possibility that the structure would have to be lengthened to span US 2, or US 2 would have to be realigned further away from the tracks. Additional out-of-direction travel would occur.

Reasons for elimination: Similar to Alternative 3. It was determined that crossing the railway tracks on this route would be comparatively expensive. This route increases out-of-direction travel for local residents and some through-traffic.

1969 Study Conclusion: Alternative 2 was considered the most desirable overpass location because of the acceptable grades that could be achieved while crossing only two sets of railroad tracks. The cost would also be acceptable.

1980 ALTERNATIVES EVALUATED

Burlington Northern Railroad Crossing Study, Cut Bank Montana, prepared for Cut Bank-Glacier City-County Planning Board, prepared by Clete Daily & Associates, April 1980.

This study evaluated six grade-separated overpass alternatives.

1980 Study Evaluation Criteria: Ability to meet MDT design criteria, reasonableness of cost, impacts to the surrounding community, safety. and connections to the existing street system.

The 1980 study attempted to determine the optimum location for an overpass crossing over the railroad tracks by examining the lines of travel from traffic generators and attractors on both sides of the BNSF railway barrier. The study determined that the optimal crossing location at a point 108.5 m (356 ft) east of Central Avenue. The following alternatives were then developed and evaluated according to their proximity to the optimal crossing location.

Alternative 1, Western City Limits – A grade separated railroad crossing was considered west of 5th Avenue NW that would touch down south of the railroad tracks on US-2 between the shopping center and the building referred to as the Winner's Circle. It would connect to 1st Street NW to the north of the railroad tracks. Advantages to this alternative include relatively little disruption to existing land uses and lower cost for a shorter structure.

Reasons for elimination: US 2 would connect to S-213 on a curve and cause sight distance problems, no desirable connection to S-213 on the north side of the tracks, and the location 762 meters (2,500 feet) west of the optimal crossing location.

Alternative 2, Existing 5th Avenue NW Crossing – A new crossing was considered that would follow the existing 5th Avenue NW/Old County Road at-grade railroad crossing. Benefits included eliminating an existing Burlington Northern Railroad (BNRR) crossing, and reduced cost from a short structure and using existing right-of-way.

Reasons for elimination: The location 640 meters (2,100 feet) west of the optimal crossing location, no connection to 1st Avenue NW, and the requirement of a new connection to S-213.

Alternative 3, Existing S-213 (Central Avenue) Crossing – This crossing followed the alignment of an existing at-grade railroad crossing at S-213 (Central Avenue). Advantages of this alternative were the location only 108.5 meters (365 feet) from the optimal crossing location, elimination of an existing BNRR crossing, and the direct connection to S-213.

Reasons for elimination: Excessive grades, eliminating access to a number of businesses, and no provision of access to 1st Street.

Alternative 4, 6th Avenue NE and SE – This crossing would connect 6th Avenue NE with 6th Avenue SE.

Reasons for elimination: Excessive grades and high cost.

Alternative 5, 6th Avenue NE and 11th Avenue SE – This crossing would connect 6th Avenue NE to 11th Avenue SE. This alternative has the minimum grade of all alternatives considered, connects to Railroad Street and US-2, provides a straight connection with an extension of S-213, and provides access to future growth areas on the north side of the railroad tracks.

Reasons for elimination: This alternative was not eliminated. It did, however, have the highest cost, required some right-of-way acquisition to S-213, was located 747 meters (2,450 feet) east of the optimal crossing location, and did not replace the existing at-grade crossing.

Alternative 6, Existing Old Kevin Road Crossing – This alternative followed the alignment of an existing at-grade railroad crossing east of 11th Avenue SE at Old Kevin Road. This alternative has an acceptable grade, has the minimum cost of all alternatives and caused less disruption to existing land uses.

Reasons for elimination: Poor connection to the existing street system on the north side of the tracks, and location 1,097 meters (3,600 feet) east of the optimal crossing location.

1980 Study Conclusion: Alternative 5 (6th Avenue NE connection to 11th Avenue SE) was identified as the recommended alternative. Although this alternative had the highest cost, it had the minimum grade, provided good connections to existing streets, and limited disruption of existing land uses.

2000 ALTERNATIVES EVALUATED

Overpass Study for Separating FAS 213 and the Burlington Northern Santa Fe Railway, Cut Bank, Montana, prepared for Montana Department of Transportation, prepared by Thomas, Dean & Hoskins, Inc., October 2000.

The two alternatives evaluated in this study assumed a railroad overpass on a westerly alignment either north of Skyland Road or on Skyland Road.

2000 Study Evaluation Criteria: Right-of-way requirements, MDT design criteria, and cost.

New alignment north of Skyland Road – S-213 would be routed off of Central Avenue to a location extending from West Main Street across from 5th Avenue SW and along new alignment north of existing Skyland Road, crossing over the railroad tracks via an overpass on the northwest corner of Cut Bank in the vicinity of 5th or 6th Avenue NW. . The S-213 alignment would extend through an existing residential area, a city park and a trap and skeet club.

Reasons for elimination: Extensive new right-of-way requirements, and comparatively high cost due to right-of-way acquisition.

Skyland Road alignment – S-213 would be routed off Central Avenue to a location extending from West Main Street across from 5th Avenue SW and then along existing Skyland Road, crossing the railroad tracks through an overpass in the vicinity of 5th or 6th Avenue NW.

Two options were evaluated for the connection of the Skyland alignment to Highway 213. The first option continued existing S-213 (Central Avenue) as a through road, with the new Skyland alignment tying into S-213 with a stop action. The second option continued Skyland as a through road, with a stop action on existing S-213/Central Avenue. The second option was preferred because it maintained the new Skyland Road alignment as the through connection.

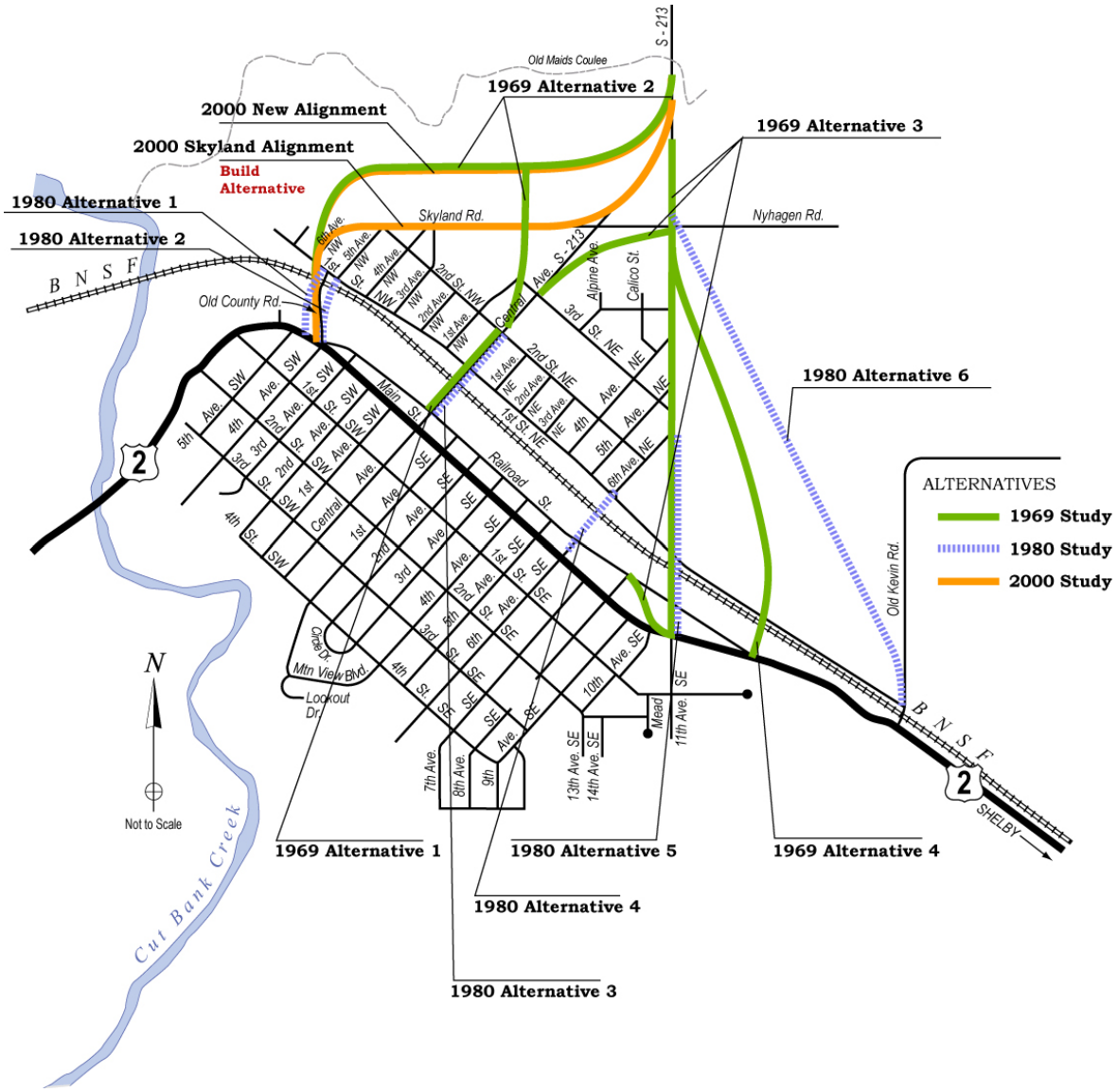
Reasons for elimination: This alignment was not eliminated (see below).

2000 Study Conclusion: The Skyland Road alignment was the preferred alignment, including the option of continuing Skyland as the through road onto existing S-213 and a stop action on Central Avenue. This alignment minimized right-of-way requirements, met MDT design criteria and was a lower cost than new alignment north of Skyland.

Conclusion from All Study Findings: Retained alternatives from the previous studies were Alternative 2 from the 1969 study, Alternative 5 from the 1980 study and the Skyland Road alignment from the 2000 study. Of these alternatives, the 2000 Skyland Road best matches the alignment and grade-separation location of the Build Alternative identified in this EA.

The 1969 Alternative 2 includes a grade separation in the same location as this EA Build (Preferred) Alternative, but extends S-213 along a new alignment north of Skyland Road. This alternative would create additional out-of-direction travel and additional right-of-way impacts. Alternative 5 from the 1980 study is located considerably farther east of the Build Alternative and would not improve safety or mobility in the more heavily traveled western portion of Cut Bank. Other alternatives from the 1969, 1980 and 2000 studies were dismissed, and would not be expected to meet the purpose and need of this current project for the reasons described above.

Figure B.1 Previous Grade Separation Study Alternatives



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Appendix C
Farmland Conversion Impact Rating

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DAVID EVANS
AND ASSOCIATES INC.

April 7, 2004

Mr. Mark Johnson
US Department of Agriculture - Natural Resources and Conservation Service
Cut Bank Service Center
601 W. Main Street
Cut Bank, MT 59427-2829

SUBJECT: **CUT BANK OVERPASS**
STPS 213-1(12)0 CN A158
USDA NRCS-CPA-106 Farmland Conversion Impact Rating Form

Dear Mr. Johnson:

Please find the enclosed copies of the USDA NRCS CPA-106 Farmland Conversion Impact Rating form for Corridor Type Projects and maps prepared for the above referenced project. David Evans and Associates, Inc., project consultant, is managing the project for the Montana Department of Transportation (FHWA).

We will be coordinating the identification of Important Farmlands and completion of the USDA NRCS CPA-106 forms through the Cut Bank Field Office, as directed in May 2, 2003 correspondence from Dave White. This correspondence completes Steps 1 and 2 of the USDA NRCS CPA-106 Farmland Conversion Impact Rating Form Instructions. This step requires that the federal agency (FHWA) complete Parts I and III on the form and send three (3) copies to the NRCS field office nearest the project location.

The Cut Bank Overpass Project proposes to provide a grade separation at one of the three city routes presently crossing over the Burlington Northern Santa Fe railroad tracks. This grade separation/overpass would provide a safe and uninterrupted pedestrian and vehicular transportation route between the north and south sides of town. The road selected to be rerouted onto the proposed overpass is S-213. The Preferred Alternative (Corridor B) proposes to realign S-213 along the Skyland Road corridor and the proposed overpass would be constructed in the vicinity immediately west of 6th Avenue NW. The rerouted S-213 over this overpass would be reconnected to US 2, south of the railroad tracks in the vicinity of 5th Avenue SW. The proposed realignment of existing S-213 onto Skyland Road creates a right-of way impact of approximately 4.4 hectares (11 acres) on farmland of statewide importance (Am) at the eastern end of the project area.

Please contact me at (720) 946-0969 if you have any questions about this information. Thank you for your assistance.

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Laundia Dowling

for Richard J. Garcia
GIS Analyst/Planner

Copies: Mark Studt, MDT
Jane Boand, DEA
File

Attachments/Enclosures: NRCS-CPA-106 Farmland Conversion Impact Rating for Corridor Type Projects (3)
2 Maps supporting documentation for calculations (3 sets)

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U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I *(To be completed by Federal Agency)*	3. Date of Land Evaluation Request **4/7/04**	4. Sheet 1 of **1**
1. Name of Project **Cut Bank Overpass**	5. Federal Agency Involved **FHWA (MDT)**	
2. Type of Project **Urban Transportation Corridor**	6. County and State **Glacier County, MT**	

PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES ☐ NO ☐		4. Acres Irrigated | Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS

PART III *(To be completed by Federal Agency)*	Alternative Corridor For Segment ____			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	0	11		
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0		
C. Total Acres In Corridor	0	11	0	0
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)*				
PART VI *(To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))* — Maximum Points				
1. Area in Nonurban Use — 15				
2. Perimeter in Nonurban Use — 10				
3. Percent Of Corridor Being Farmed — 20				
4. Protection Provided By State And Local Government — 20				
5. Size of Present Farm Unit Compared To Average — 10				
6. Creation Of Nonfarmable Farmland — 25				
7. Availablility Of Farm Support Services — 5				
8. On-Farm Investments — 20				
9. Effects Of Conversion On Farm Support Services — 25				
10. Compatibility With Existing Agricultural Use — 10				
TOTAL CORRIDOR ASSESSMENT POINTS — 160	0	0	0	0
PART VII *(To be completed by Federal Agency)*				
Relative Value Of Farmland (From Part V) — 100				
Total Corridor Assessment (From Part VI above or a local site assessment) — 160	0	0	0	0
TOTAL POINTS *(Total of above 2 lines)* — 260	0	0	0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used?
Corridor B			YES ☐ NO ☐

5. Reason For Selection:

Corridor B is the Preferred Alternative. It was selected because the proposed realignment of S-213 to this corridor, along with the proposed overpass located over the BNSF railroad tracks, provides the safest, most perpendicular intersection with US 2 in a relatively undeveloped area on the western side of town. This proposed alignment is essentially the same alignment selected as the preferred in a 1969 study completed by MDT and meets all the evaluation criteria for the project.

Signature of Person Completing this Part: | DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with $1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

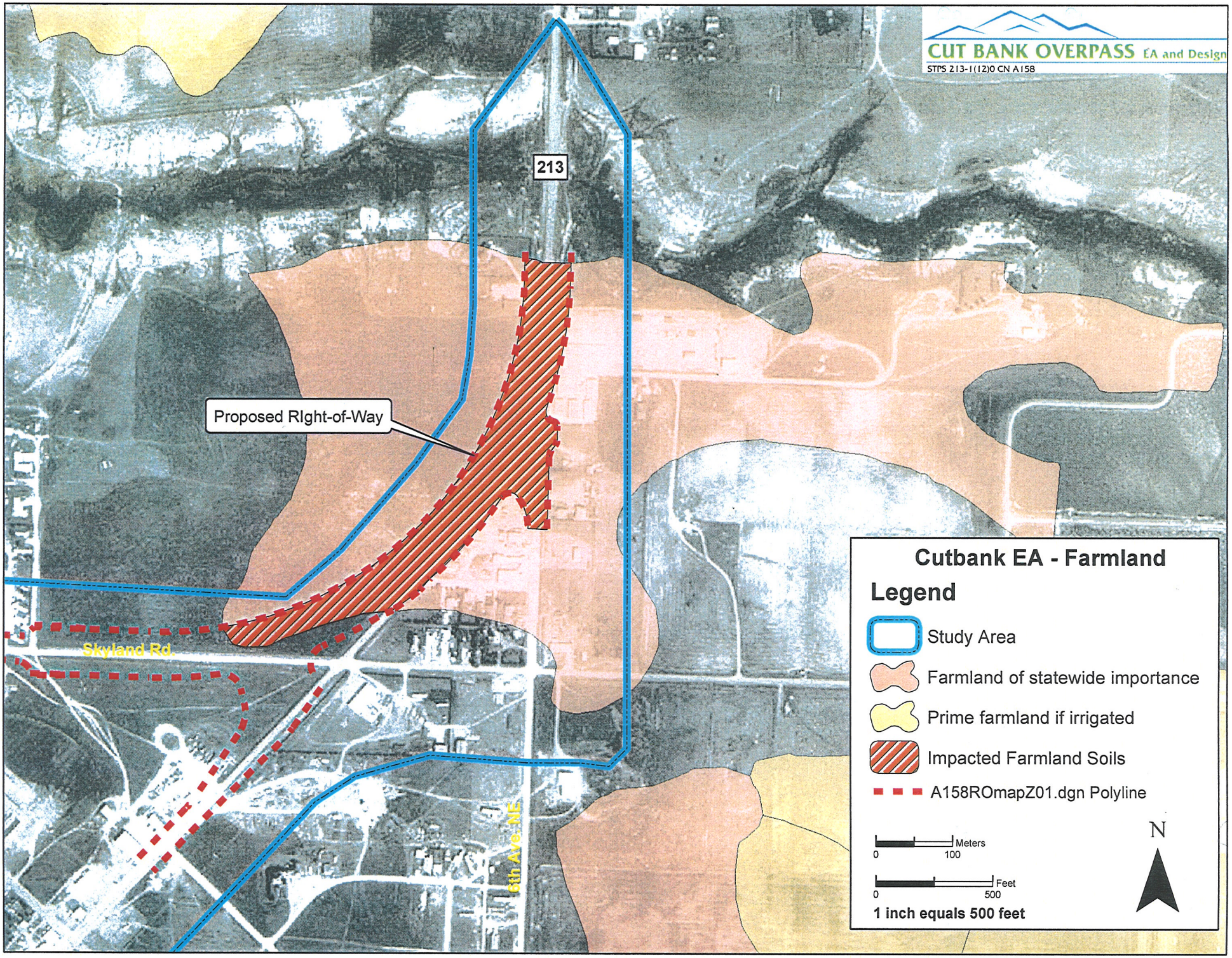
CUT BANK OVERPASS EA and Design
STPS 213-1(12)0 CN A158
213
Proposed RIght-of-Way
Skyland Rd.
6th Ave. NE
Cutbank EA - Farmland
Legend
Study Area
Farmland of statewide importance
Prime farmland if irrigated
Impacted Farmland Soils
A158ROmapZ01.dgn Polyline
Meters
0
100
Feet
0
500
1 inch equals 500 feet
N
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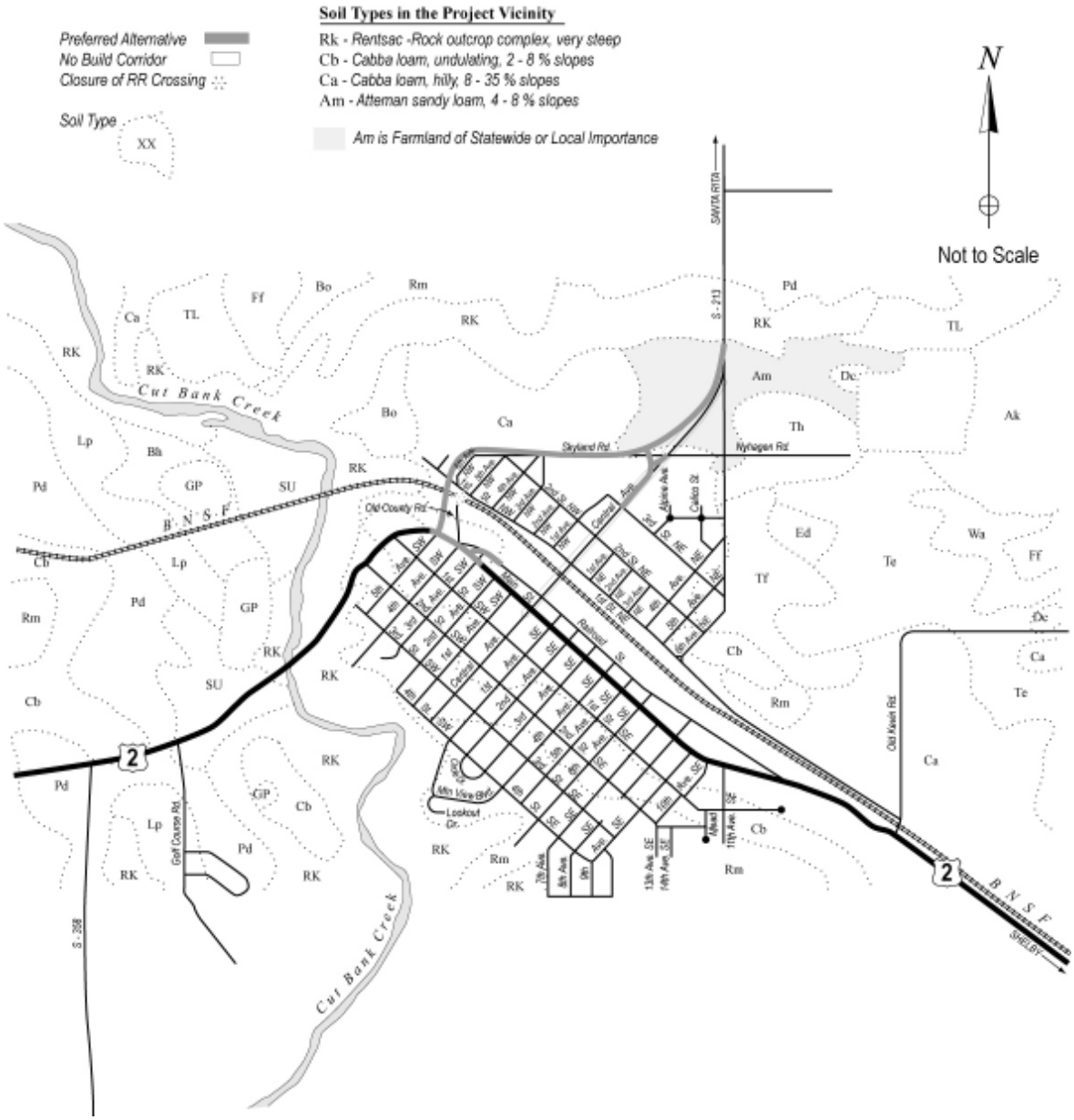
Figure C.1 Important Farmland and Soil Types in the Project Vicinity



Appendix D
Agency Coordination and Agency Letters

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S.D.A. Natural Resources Conservation Service
- Montana Fish, Wildlife and Parks
- Montana Natural Heritage Program
- Montana State Historic Preservation Office
- Correspondence Regarding Section 4(f) Resources
  - City of Cut Bank
  - Cut Bank School District

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U.S. ARMY CORPS OF ENGINEERS
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

REPLY TO
ATTENTION OF:

June 5, 2003

Helena Regulatory Office
Phone (406) 441-1375
Fax (406) 441-1380

Subject: Corps File Number 2003-90-134
Cut Bank Overpass
STPS 213-1(12)0, MDT Control Number A158
Cooperating Agency Response

Mr. Clifford Coulter
Project Manager
David Evans and Associates, Inc.
1331 17th Street, Suite 900
Denver, Colorado 80202

Dear Mr. Coulter:

This letter is a response to your February 26, 2003 request that the US Army Corps of Engineers (Corps) be a Cooperating Agency for the Montana Department of Transportation (MDT) project listed above. The project is on Montana Secondary Highway 213 in the Community of Cut Bank in Glacier County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material below the ordinary high water mark of our Nation's rivers, streams, lakes or wetlands.

Pursuant to the National Environmental Policy Act, the Corps agrees to be a Cooperating Agency. Our participation as a Cooperating Agency will be limited to reviewing and commenting on project features that will or may affect Waters of the United States (WUS). This will be in addition to our regulatory and permitting responsibilities.

You also requested information regarding any items of concern to the Corps. After reviewing all available maps, and the aerial photograph of the project your office submitted on May 6, 2003, it is still unclear if the proposed project will affect any WUS. This office will provide more specific comments regarding the presence of WUS upon receipt of your determination or wetland delineation. Specific comments will also be provided, if necessary, upon receipt of plan sheets or maps that show any proposed fills or other impacts on WUS.

A copy of the Fact Sheet for **Nationwide Permit 14 - Linear Transportation Crossings** is enclosed for your review. It is unknown at this time if the proposed work would qualify for a Nationwide Permit, but this Fact Sheet provides a good reference for use in developing detailed designs, plans, and specifications for your project.

Todd Tillinger of this office will be the Corps' project manager. He may be reached by phone at (406) 441-1375 or by e-mail at todd.n.tillinger@usace.army.mil. Please reference Corps File Number 2003-90-134.

Sincerely,

Allan Steinle
Montana Program Manager

Enclosure

Copy Furnished, with enclosure:

Jean Riley, Montana Department of Transportation Environmental Services, Helena

FACT SHEET
NATIONWIDE PERMIT 14

LINEAR TRANSPORTATION CROSSINGS: Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways and taxiways) in waters of the United States, including wetlands, if the activity meets the following criteria:

a. This NWP is subject to the following acreage limits:
(1) For linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2-acre of waters of the U.S.; or
(2) For linear transportation projects in tidal waters, provided the discharge does not cause the loss of greater than 1/3-acre of waters of the U.S.

b. The permittee must notify the District Engineer if any of the following criteria are met:
(1) The discharge causes the loss of greater than 1/10 acre of waters of the United States; or
(2) There is a discharge in a special aquatic site, including wetlands;

c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the United States to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses will be minimized to the maximum extent practicable;

d. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must include a delineation of the affected special aquatic sites;

e. The width of the fill is limited to the minimum necessary for the crossing;

f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing waters of the United States. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an individual permit. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (See 33 CFR 323.4).

General Conditions: The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation: No activity may cause more than a minimal adverse effect on navigation.

2. Proper Maintenance: Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. Soil Erosion and Sediment Controls: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

4. Aquatic Life Movements: No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

5. Equipment: Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. Regional and Case-By-Case Conditions: The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification.

7. Wild and Scenic Rivers: No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water Quality:

(a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)).

(b) For NWP 14, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coast Zone Management: ***Not applicable.***

11. Endangered Species: (a) No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of any activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/r9endspp/endspp.html and http://www.nfms.noaa.gov/prot_res/overview/es.html respectively.

12. Historic Properties: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification: *See attached sheets.*

14. Compliance Certification: Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will be forwarded by the Corps with the authorization letter and will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits: The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3 acre).

16. Water Supply Intakes: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation: The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring notification, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, 1/4-acre of wetlands cannot be created to change a 3/4-acre loss of wetlands to a 1/2-acre loss associated with NWP 39 verification. However, 1/2-acre of created wetlands can be used to reduce the impacts of a 1/2-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purpose. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the

vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineer may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the notification may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the United States.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows: To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelization will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments: If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restriction of its flow, shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the United States, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resources Waters: Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWP 14 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be authorized in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

26. Fills Within 100-Year Floodplains: The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period: For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12 months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

Further Information:

1. District Engineers have authority to determine if any activity complies with the terms and conditions of a NWP.

2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

General Condition 13. Notification:

(a) Timing: Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (sketches usually clarify the project and when provided result in a quicker decision);

(4) For NWP 14, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) **Not applicable to NWP 14.**

(6) For NWP 14, the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the United States and a statement describing how temporary losses of waters of the United States will be minimized to the maximum extent practicable.

(7) thru (16) **Not applicable to NWP 14.**

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b)(1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms

and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the United States will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the United States, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, State natural resource or water quality agency, EPA, and State Historic Preservation Officer (SHPO), and if appropriate, the NMFS). These agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetlands Delineations: Wetlands delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

NATIONWIDE PERMITS
REGIONAL CONDITIONS
STATE OF MONTANA
OMAHA DISTRICT – CORPS OF ENGINEERS
Effective March 18, 2002

1. Fens

All nationwide permits, with the exception of 3, 5, 20, and 32, are revoked for use in fens in Montana. For nationwide permits 3, 5, 20, and 32 permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any regulated activity impacting fens in Montana.

Wetlands commonly known as fens are defined as wetlands that are characterized by waterlogged spongy ground and contain (in all or in part) soils classified as histosols or mineral soils with a histic epipedon. To determine whether this provision applies, the entire wetland must be examined for the presence of histosols or histic epipedons.

2. Springs

For all nationwide permits, except NWP 40(a), permittees must notify the Corps in accordance with General Condition No. 13 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in Montana. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

3. Pool and Riffle Complexes

For all nationwide permits, except NWP 40(a), permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any regulated activity involving the discharge of dredge or fill material into pool and riffle complexes. The notification must contain identification of the location of pool and riffle complexes in the project area. Projects involving the discharge of dredged or fill material into a pool and riffle complex will not be authorized by a nationwide permit unless the permittee demonstrates that avoidance is impracticable. Compensatory mitigation for unavoidable adverse impacts may be required.

4. Yellowstone River, Bitterroot River, and Missouri River

In addition to those nationwide permit activities that require notification to the Corps, all activities proposed to be undertaken on the Yellowstone, Bitterroot and Missouri Rivers in accordance with NWPs 3, 12, 13, 14, 16, 18, 19, 39, 40(b), and 42 require prior notification to the Corps in accordance with General Condition No. 13 (Notification).

5. Nationwide Permit 12 - Utility Line Activities

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any utility line activity that involves the discharge of dredged or fill material into a flowing stream (including intermittent and ephemeral streams) in Montana.

Utility line projects through wetlands must be designed and constructed to prevent the trench and bedding material from acting as a subsurface drain. Cutoff collars will be installed if necessary to prevent wetland drainage.

6. Nationwide Permit 13 - Bank Stabilization

Bank stabilization structures that project into the stream, such as barbs or vanes, must meet the following criteria for consideration under this nationwide permit:

- The end of the structure at the bank will be no higher than the ordinary high water mark.
- The structure must angle upstream.
- The top of the structure must decrease in elevation from the bank to the end of the structure away from the bank.
- The structure must be keyed into the bed and the bank.

Structures that project from the bank that are perpendicular to the normal flow direction, or angle downstream, or extend above the ordinary high water mark, or are designed horizontally level, will not be considered under Nationwide Permit 13.

Projects that meet the bulleted criteria above may be reviewed under individual permit procedures if the Corps determines the project may have adverse impacts to adjacent properties, river functions, or essential habitat. Structures that occupy more than10-25% of the bankfull channel width are more likely to be evaluated under individual permit procedures. Any permitted structure that fails must be repaired or all material removed from below ordinary high water.

The following applies to bank revetments (i.e., riprap, rootwads or any bioengineered revetment) and to bank stabilization structures that project into the stream, such as barbs or vanes. All bank stabilization structures must meet the following criteria for consideration under this nationwide permit:

- The top of the bank stabilization structure may not extend above the elevation of the existing top of the bank (i.e., no new levees).
- No bank stabilization structure can block or divert flows from entering a side channel or an overflow channel.

7. Nationwide Permit 23 - Approved Categorical Exclusions

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any activities involving the discharge of dredged or fill material into waters of the United States.

8. Nationwide Permit 27 - Stream and Wetland Restoration Activities

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any wetland or riparian restoration or creation activities that involve the discharge of dredged or fill material into waters of the United States.

9. Nationwide Permit 39 - Residential, Commercial, and Institutional Developments

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any work that involves the discharge of dredged or fill material into waters of the United States.

10. Placement and Removal of Temporary Fills

General Condition No. 24 is amended by adding the following: When temporary fills are placed in wetlands, a horizontal marker (e.g., fabric, certified weed-free straw, etc.) must be used to delineate the existing ground elevation of wetlands that will be temporarily filled during construction to facilitate removal to original grade and contour and to aid in restoration of impacted vegetation.

11. Channel Straightening and Relocation Activities

For all nationwide permits, except NWP 40(a), permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any activity that would result in straightening, relocating and/or shortening an existing perennial stream channel. For all such activities, the following conditions must be met:

(1) The total channel length reduction is less than 100 feet; and

(2) The project is necessary to prevent significant damage to private or public structures (roads, buildings, bridges, etc.); or

(3) The project involves relocation of a previously straightened stream channel and net length is not reduced.

In addition to the above, the following conditions must be adhered to:

(a) Buffer strips will be set aside along the entire length of the new channel with a minimum width of 30 feet measured from the top of each side slope. The buffer strip shall be planted to appropriate permanent, perennial, native vegetation and will remain in this condition. Trees/shrubs removed by the construction will be replaced at a minimum ratio of 2 (replanted): 1 (removed). Higher ratios may be required in higher valued resource areas. The trees/shrubs will be replanted within the buffer strip, extending up and downstream of the project area, if necessary.

(b) The side slopes of the channel will be no steeper than three-foot horizontal to one-foot vertical [3(h): 1(v)]. If steeper slopes are proposed, a registered professional engineer must certify their stability. In no case will unarmored slopes steeper than 2(h): 1(v) be acceptable.

(c) Wetland losses greater than 0.1 acre will be mitigated. Replacement of riffle/pool complexes may be required if it is determined that their loss results in more than minimal impact.

DAVID EVANS
AND ASSOCIATES INC.

February 26, 2003

Mr. Allan Steinle, State Program Manager
U.S. Army — Corps of Engineers
10 West 15th Street, Suite 2200
Helena, MT 59626

Subject: STPS 213-1(12)0 CN A158
Cut Bank Overpass Environmental Assessment and Design
Cooperating Agency Request

Dear Mr. Steinle:

The U.S. Army – Corps of Engineers (CoE) has jurisdiction by law over all "waters of the U.S.", is requested to be a Cooperating Agency on this proposed project in accordance with the U.S. Department of Transportation Federal Highway Administration's (FHWA's) regulations (23 CFR 771.111(d) and the provisions of *Section 404* of the *Clean Water Act* (33 U.S.C. 1251 - 1376, inclusive).

David Evans and Associates, Inc., project consultant, is managing the project for the Montana Department of Transportation. The project is located in Cut Bank and involves extending an overpass over the existing Burlington Northern Santa Fe (BNSF) "Hi Line". The project is potentially located at one of the existing at-grade crossings of the BNSF in Cut Bank. Please review the information sheet attached to this letter for specific details about the proposed project.

Detailed project plans of this proposed project are not yet available. However, any items of concern to the CoE will assist with the implementation, if necessary, of further interagency coordination to avoid or minimize potential project impacts. A written response to this Cooperating Agency request is needed for the environmental documentation for this project.

Please contact me at David Evans and Associates, Inc. at (720) 946-0969 if you have any questions about this request. If no reply is received within forty-five (45) calendar days – or by April 14, 2003 – it will be assumed that the CoE has no concerns about the proposed project and does not wish to be a Cooperating Agency. Thank you for your assistance.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Clifford (Kip) Coulter, PE
Project Manager for Cut Bank Overpass

Enclosure

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

cc: Michael Johnson, District Administrator – MDT Billings District (No. 3)
Mark Studt, P.E., MDT Project Manager
Jean Riley, MDT Environmental Services Supervisor
John Horton, MDT Right-of-Way Bureau Chief
Dale Paulson, Program Development Engineer – FHWA
Saundra Dowling, David Evans and Associates, Inc.
File

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.44 MDT (I)

March 18, 2003

Clifford Coulter
David Evans and Associates, Inc.
1331 17th Street
Suite 900
Denver, Colorado 80202

Dear Mr. Coulter:

This is in response to your February 26, 2003 letter regarding the Montana Department of Transportation proposal to construct a railroad overpass in the town of Cut Bank in Glacier County, Montana (STPS 213-1(12)0; Control No. A158). Your letter requested a list of threatened and endangered (T/E) species from the U.S. Fish and Wildlife Service (Service) that may occur near the proposed project site, and any information we may have regarding Service resources that may be affected pursuant to S.4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303). A request that the Service be a Cooperating Agency with regards to this project was also contained in your letter. The Service's Montana Field Office received your letter on February 28, 2003. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

The proposed project would be located in a developed area within Cut Bank. Based on the information accompanying your letter, proposed activities would include constructing a railroad overpass, reconfiguring nearby intersections, and realigning roadways. A final design has not yet been chosen. Considering the specific scope, nature, and location of this project, we do not anticipate the occurrence of any listed, proposed, or candidate species in the vicinity of the proposed project. Therefore, the Service does not anticipate any project-related adverse impacts to T/E, proposed, or candidate species, nor any critical habitat.

We are not aware of any Service-owned or administered lands, or other resources protected under S.4(f) of the 1966 Department of Transportation Act that may occur near, or be impacted by, the proposed project.

The Service agrees to be a Cooperating Agency for this project. As such, the Service will review and respond to documents required for compliance with the Endangered Species Act and the Fish and Wildlife Coordination Act.

Your letter did not indicate whether wetlands might be impacted by the proposed project. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

This concludes consultation on this project and no further review under section 7 of the Endangered Species Act is necessary. We appreciate your efforts to consider and conserve fish and wildlife resources, including T/E species. If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, extension 201.

Sincerely,

R. Mark Wilson

R. Mark Wilson
Field Supervisor

DAVID EVANS
AND ASSOCIATES INC.

February 26, 2003

Mr. Brent Esmoil, Field Supervisor
U.S. Fish and Wildlife Service (USF&WS)
Montana Field Office
100 North Park, Suite 320
Helena, MT 59601

Subject: STPS 213-1(12)0 CN A158
Cut Bank Overpass Environmental Assessment and Design
Cooperating Agency Request

Dear Mr. Esmoil:

In accordance with *Section 7(a)* of the *Endangered Species Act*, the Montana Department of Transportation (MDT) is requesting a list of Threatened and/or Endangered Species in the vicinity of the proposed road improvement project referenced above. This information will be used in the preparation of environmental documentation for the proposed project. Any other relevant comments related to the proposed project that the USF&WS may have at this time would also be appreciated.

David Evans and Associates, Inc., project consultant, is managing the project for the Montana Department of Transportation. The project is located in Cut Bank and involves extending an overpass over the existing Burlington Northern Santa Fe (BNSF) "Hi Line". The project is potentially located at one of the existing at-grade crossings of the BNSF in Cut Bank. The Township, Range and Section numbers are:

- T33R: R 6W S 1,6,7,12 (Cut Bank Quad)

Please review the information sheet attached to this letter for specific details about the proposed project.

This letter also serves to request the USF &WS to be a Cooperating Agency on the proposed project in accordance with the U.S. Department of Transportation Federal Highway Administration's (FHWA's) regulations under the *National Environmental Policy Act* (*NEPA*, see 23 CFR 771.111(d)). Please confirm our assumptions that, to our knowledge, the proposed project will not impact any USF&WS easements to the FHWA, nor that the proposed project will impact USF&WS resources as protected by Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303), which include the following:

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

a. Parks and/or Recreation Areas;

b. Wildlife/Waterfowl Refuges;

c. Sites eligible for inclusion in, or are already in the National Register of Historic Places under *Section 106* of the *National Historic Preservation Act* (16 U.S.C. 470); and/or

d. Lands managed as multiple use which include recreation sites, or wildlife/waterfowl refuges as listed previously.

A written response to this Cooperating Agency request is needed for the environmental documentation for this project. MDT will also provide a copy of the draft environmental document to you for your review.

Please contact me at David Evans and Associates, Inc. at (720) 946-0969 if you have any questions about this request. If no reply is received within forty-five (45) calendar days – or by April 14, 2003 – it will be assumed that the USF&WS has no concerns about the proposed project and does not wish to be a Cooperating Agency. Thank you for your assistance.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Clifford (Kip) Coulter, PE
Project Manager for Cut Bank Overpass

Enclosure

cc: Michael Johnson, District Administrator – MDT Billings District (No. 3)
Mark Studt, P.E., MDT Project Manager
Jean Riley, MDT Environmental Services Supervisor
John Horton, MDT Right-of-Way Bureau Chief
Dale Paulson, Program Development Engineer – FHWA
Saundra Dowling, David Evans and Associates, Inc.
Martha Wiley, David Evans and Associates, Inc.
File

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United States Department of Agriculture

NRCS

Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715-4704

May 2, 2003

Clifford (Kip) Coulter, PE
David Evans and Associates, Inc.
1331 17th Street, Suite 900
Denver, Colorado 80202

REC'D MAY 0 9 2003

Subject: STPS 213-1(12)0 CN A158
Cut Bank Overpass Environmental Assessment and Design
Cooperating Agency Request

Dear Mr. Coulter:

Thank you for your letter of February 26, 2003, inviting the Montana Natural Resources Conservation Service (NRCS) to participate as a cooperating agency on the above referenced highway improvement project. As you may be aware, the enactment of the 2002 Farm Bill, in addition to emergency drought assistance and ongoing conservation programs have placed particularly strong demands on NRCS technical assistance resources at this time. Due to the requirements of meeting our workload, we, therefore, are **not** requesting to become a cooperating agency on this project.

NRCS does continue to advocate for interagency coordination and requests to be kept informed of the progress of the study, coordination meetings, and draft environmental documents on an informal basis. We will comment and/or participate when appropriate and as time allows. Any such information should be sent to Mark Johnson, District Conservationist, in the NRCS Cut Bank Field Office, 601 West Main Street, Suite 14, Cut Bank, Montana 59427-3082.

Please continue to coordinate the identification of Important Farmlands and completion of the Farmland Conversion Impact Rating Form, AD-1006, if necessary, through Mr. Johnson. Thank you again for your correspondence and the opportunity to participate in this project.

For,

DAVE WHITE
State Conservationist

cc:
Phyllis Philipps, ASTC–FO, Upper Missouri Area, NRCS, Great Falls, MT
Martin A. Jiminez, State Resource Conservationist, NRCS, Bozeman, MT
Tom Pick, Water Quality Specialist, NRCS, Bozeman, MT
Mark Johnson, District Conservationist, NRCS, Cut Bank, MT

Montana Fish, Wildlife & Parks

4600 Giant Springs Road
Great Falls, MT 59405

May 12, 2003

Clifford Coulter
David Evans & Associates, Inc.
1331 17th Street, Suite 900
Denver, CO 80202

REC'D MAY 14 2003

RE: Cut Bank Overpass
STPS 213-1 (12)0 CN A158

Dear Mr. Coulter:

I read your letter of 26 February 2003 and considered the proposal you sent to build a railroad overpass on the west side of Cut Bank, Montana.

Your letter said that if we did not reply by 14 April 2003 you would assume MFW&P had no concerns about the proposed project and did not wish to be a Cooperating Agency. This is, indeed, the situation.

I am familiar with Cut Bank and all the other Montana Hi-Line communities that straddle the railroad. Most have either an underpass or an overpass. I understand the need for one in Cut Bank and support the community's request.

At least forty times a year my staff reviews construction proposals for their impacts to wildlife and wildlife supporting habitats. Usually we pass on municipal road, water and sewer projects because the need outweighs the impacts and because the wildlife impacts of specific projects are usually insignificant when compared to the overall wildlife impacts of the existing community.

In the Cut Bank proposal we did look at "Threatened" and "Endangered" species issues; possible wetland impacts; water quality issues; and fisheries concerns. We did not see any impacts of this project that could be classed as significant.

My agency does not own or manage and recreation land in the vicinity of the proposals, MFW&P is not planning to purchase any property in or near Cut Bank.

Losses of city property with Land & Water Conservation Fund investments need to be mitigated either value for value or acre for acre. Usually this is left up to the city and the contracting agency to work out.

MFW&P wants to cooperate and appreciates the opportunity to review and comment on projects that may have a significant wildlife impact. We often suggest changes to benefit wildlife. Generally we do not have the time or resources to contribute more.

Sincerely,

Mike Aderhold

Mike Aderhold
Region 4 Supervisor

MONTANA
Natural Heritage
Program

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 •
http://nris.state.mt.us

February 28, 2003

Clifford Coulter
David Evans and Associates Inc.
1331 17th Street, Suite 900
Denver, Colorado 80202

Dear Clifford,

I am writing in response to your recent request regarding species of concern in the vicinity of the Cut Bank Overpass Environmental Assessment, Sections 6 and 7, T33N, R05W, and Sections 1 and 12, T33N, R06W.

In checking our database for this area, I found no records of species of special concern. A map is enclosed so that you can confirm that the search area is correct.

Please remember that results of a data search by the Montana Natural Heritage Program are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

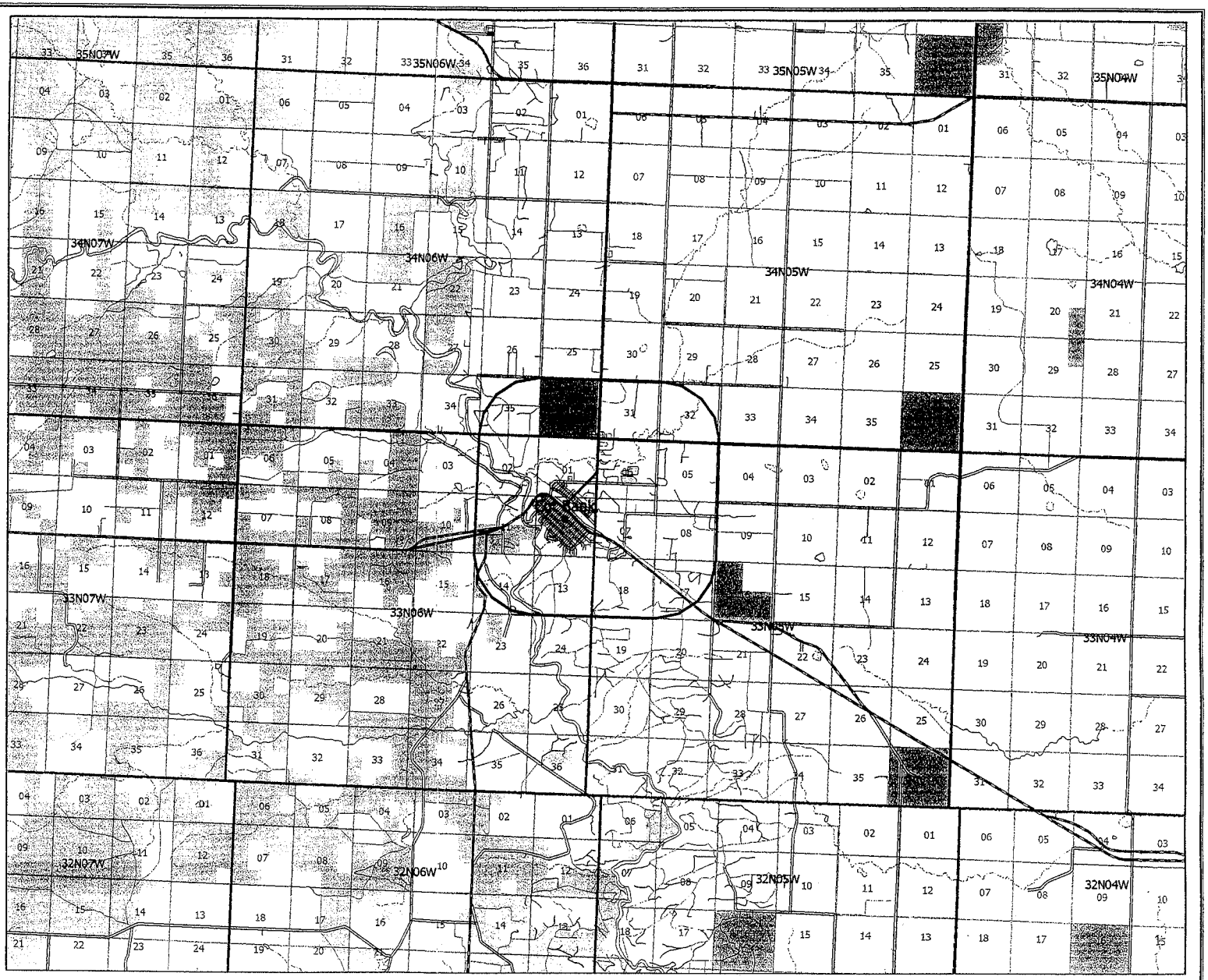
Biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

Should you have any questions or require additional information, please feel free to contact me at (406) 444-3290 or via my e-mail address, below.

Sincerely,

Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(email: martinm@state.mt.us)

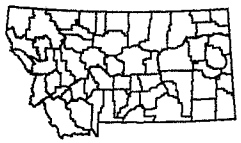
Montana Species of Concern
Cutbank Overpass
CN A158



Search Area

Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area.

Not all legend items may occur on map.

Features shown on this map do not imply public access to any lands.

This map displays management status, which may differ from ownership.

Refer to accompanying documentation for full explanation of map features.

MONTANA Natural Heritage Program

Natural Resource Information System
Montana State Library
PO Box 201800
Helena, MT 59620-1800
(406) 444-3009 mtnhp@state.mt.us

February 28 2003
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Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
SEP 16 2004
ENVIRONMENTAL

• Josef
• MDT
• RR Overpass to Cut Bank
EFFECT FINDING

September 1, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: STPS 213-1(12)0
RR Overpass – Cut Bank
Control No. A158

CONCUR
MONTANA SHPO
DATE 15 Sep 04 SIGNED

Dear Mark:

Enclosed is the Determination of Effect for the above project in Glacier County. We have determined that the proposed project would have **No Effect** to the NRHP-eligible Great Northern Railway (24GL191), the M & M Drive-In (24GL227), the Prindle House (24GL1096), and the Jackson/Freed Residence (24GL1097) for the reasons cited in the document. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosure

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, P.E., Consultant Design
Bonnie Steg, Resources Section

file: MDT/2004

Environmental Services Unit
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
MAR 2 9 2004
ENVIRONMENTAL

RECEIVED
MAR 1 9 2004
BY:

March 18, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: STPS 213-1(12)0
RR Overpass – Cut Bank (Addendum)
Control No. A158

CONCUR
MONTANA SHPO
DATE 25 Mar 04 SIGNED

Dear Mark:

Enclosed is an addendum cultural resource report to the June, 2003 cultural resource report for the above project in Glacier County. Aaberg Cultural Resource Consulting Service (ACRCS) recorded an additional twelve historic sites on a newly identified alternative for the project. Of those, four had been previously recorded (24GL227, 24GL231, 24GL232, and 24GL235) in the early 1990s. ACRCS recommends three properties eligible for the National Register of Historic Places. They are: the M & M Drive-In (24GL227), the Prindle House (24GL1096), and the Jackson/Freed Residence (24GL1097). We agree with that recommendation and request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

MASTER FILE COPY

Enclosures

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, Consultant Design Bureau
Bonnie Steg, Resources Section

file: MDT/2004

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
AUG - 1 2003

July 16, 2003

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Josef
MDT
RR-Overpass
Cut Bank

Subject: STPS 213-1(12)0
RR Overpass – Cut Bank
Control No. A158

Enclosed is the cultural resource report, CRABS, and site forms for the above project in Glacier County. Aaberg Cultural Resource Consulting Service (ACRCS) recorded eight historic sites within the designated survey area. They recommend none of them eligible for the National Register of Historic Places. We agree with that recommendation and request your concurrence. The previously recorded Great Northern Railway (24GL191) is eligible for the National Register under Criterion A.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

CONCUR
MONTANA SHPO
DATE 30 Jul 03 SIGNED

Enclosure

cc: Mick Johnson, Great Falls District Administrator
Carl Peil, P.E., Preconstruction Bureau
Bonnie Steg, Resources Section

serving you with pride

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 28, 2005

Mr. Clifford S. (Kip) Coulter, P.E.
David Evans And Associates, Inc.
1331 17th Street Suite 900
Denver, CO 80202

Subject: STPS 213-1(12)0
RR Overpass- Cut Bank
CN: A158

The City of Cut Bank has provided a response and concurrence letter regarding the ownership and public use of Smith Park for the subject project. Enclosed is the letter from MDT addressed to The City of Cut Bank that was returned with their concurrence signature.

Please feel free to contact Mark Studt at 444-9191 if you have any questions.

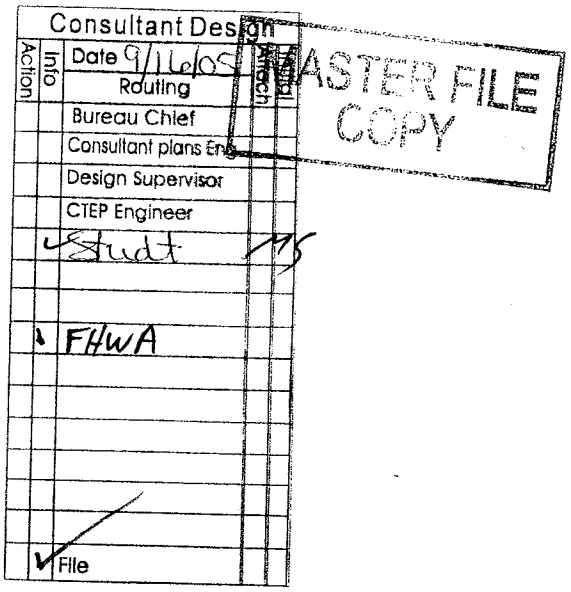
Tim J. Conway, P.E.
Consultant Plans Engineer

TSM:mjs:4158_780C

copies: All w/ attachments
Mick Johnson. – MDT Great Falls District Administrator
Tom S. Martin, P.E. – MDT Consultant Design Engineer
Jean A. Riley, P.E., Environmental Services Bureau Chief
Bob Seliskar P.E., Federal Highway Administration
Consultant Design File

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor



September 15, 2005

Mayor Marion Culleton
City of Cut Bank
113 E. Main Street
Cut Bank, MT 59427

Subject: Significance Determination for 4(f)
RR Overpass – Cut Bank
STPS 213-1(12)0
CN A158

Dear Mayor Culleton,

As you recall, an alignment and grade meeting was held on May 17-18, 2005 with the Montana Department of Transportation, David Evans and Associates, Inc. staff and City staff to review the proposed Preferred Alternative for the Cut Bank Overpass EA project. Portions of the meeting were attended by you and Mr. Jim Suta. During the meeting a discussion took place regarding the current legal and operational status of Smith Park. The purpose of this letter is to clarify that status for documentation in the Environmental Assessment

Previous correspondence regarding Smith Park indicated that the Park receives only occasional use by RV campers, and is sometimes used for overflow parking for agricultural vehicles. Despite this low intensity of use, the park would still be considered a Section 4(f) recreational property if it is publicly owned and designated for recreational use. However, according to Mr. Suta, the City no longer recognizes nor maintains the Smith property as a public park, and public park facilities such as portable toilets have been removed. The actual ownership of the property is also unclear.

The proposed Preferred Alternative for the overpass does not impact or use the Smith Park property as currently designed. However, if the existing sidewalk was improved, or if a slight realignment of Old County Road was determined to be necessary during final design, a minor use of the park may result.

In order to clarify that a Section 4(f) use would not result in the future, MDT and the FHWA request your concurrence that Smith Park is no longer officially designated or maintained by the City of Cut Bank as a public park, and that the property is not considered significant for recreational purposes.

Environmental Services Bureau
Phone: (406) 444-7228
Fax: (406) 444-7245

Engineering Division
TTY: (800) 335-7592
Web Page: www.mdt.mt.gov

STPS 213-1(12)0
RR Overpass – Cut Bank
CN A158

If you agree with these statements, please sign in the spaced provided below, and return this letter to:

Mr. Mark Studt P.E.
Montana Department of Transportation
Consultant Design Project Manager
P.O. Box 201001
Helena, MT 59620-1001

If you have any questions feel free to contact Tom Gocksch at (406) 444-9412.

Tom Hansen, P.E.
Engineering Section Supervisor
Environmental Services Bureau

TLH:tgg: S:\PROJECTS\GREAT-FALLS\A158\A158EN4(f)CSP01.DOC

cc: Tom S. Martin, P.E. – Consultant Design Engineer
Jean A. Riley, P.E. – Chief, Environmental Services Bureau
Mark Studt, P.E. – Consultant Design
File

1) The Smith property is no longer officially designated or maintained by the City of Cut Bank as a public park.

Marion Culleton
Name

Mayor
Title

09/23/05
Date

2) The City of Cut Bank does not consider the Smith property significant for recreational purposes.

Marion Culleton
Name

Mayor
Title

09/23/05
Date

CITY of CUT BANK

221 West Main • (406) 873-5526 • Fax: (406) 873-2455 • Cut Bank, MT 59427

Consultant Design				
Action	Info	Routing	Attach	Initial
		Date 9/26/05		
		Bureau Chief		
		Consultant plans Eng		
		Design Supervisor		
		CTEP Engineer		
		Studt		
		File		

September 23, 2005

2Tom Hansen, P.E.
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Re: Smith Park
:

Dear Mr. Hansen,

Enclosed find the signed form requested concerning the Smith Park.

To date I have been unable to determine legal ownership of the property in question. Because we have found nothing to indicate the City of Cut Bank has ownership or holds a lease of the property the city has abandon responsibility for the use of the land until such time this can be resolved.

Thank you for your inquiry and please let me know if I can be of any further assistance.

Sincerely,

Marion Culleton

Marion Culleton
Mayor

DAVID EVANS
AND ASSOCIATES INC.

April 26, 2004

Dennis Roseleip, School Superintendent
Cut Bank School District #15
101 3rd Avenue SE
Cut Bank, MT 59427

REC'D MAY 1 1 2004

SUBJECT: **CUT BANK OVERPASS, MDT STPS 213-1(12)0 CN A158**
SECTION 4(F) PROPERTY IMPACTS IN PROJECT CORRIDOR
(SOROPTOMIST PARK)

Dear Mr. Roseleip:

As you know, David Evans and Associates is under contract with Montana Department of Transportation to prepare an environmental assessment for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana.

I wrote to you November 12, 2003 requesting information on Section 4(f) parks and recreation facilities that could be affected by the Cut Bank Overpass project. As a follow up to that letter, today's letter asks you to consider potential impacts the project may have on the Section 4(f) properties in the project corridor, particularly Soroptomist Park. Your response will be included in the environmental assessment documentation.

Please review the enclosed description of the project's Preferred Alternative, the discussion of its potential impacts to parks and recreation facilities, and proposed mitigation. A conceptual map of the Preferred Alternative is provided for reference.

We need information on three criteria required for the project's Section 4(f) evaluation:

1) Please let us know if you can determine any proximity impacts from the proposed project that could impair the use of the 4(f) lands for their intended purpose. Proximity impacts may affect noise, air, or water pollution, or changes to wildlife, wildlife habitats, and aesthetic values.
2) As the official with jurisdiction over this non-Federal Section 4(f) land, can you identify any Federal encumbrances to this property? Federal encumbrances could be in the form of right-of-way, land ownership, or easements.
3) Do you concur with our assessment of impacts and proposed mitigation for the Preferred Alternative described in the enclosed description of the project's Preferred Alternative?

If you determine there are no proximity impacts or Federal encumbrances with questions 1) and 2), please sign below. If you concur with our assessment of impacts in question 3), please sign below. Please return this letter to David Evans and Associates, Inc. If you need to provide information for any of the criteria, please attach that information with your response. This correspondence and your responses will be included in the environmental assessment documentation.

Thank you,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

1) We cannot determine any proximity impacts that could impair the use of the Section 4(f) lands for their intended purpose.

Dennis W Roseland
Name
Supt. - Cut Bank Schools
Title
5-7-04
Date

2) We cannot identify any Federal encumbrances to this non-Federal Section 4(f) property.

Dennis W Roseland
Name
Supt - Cut Bank Schools
Title
5-7-04
Date

3) We concur with the assessment of impacts and proposed mitigation to the Soroptomist Park Section 4(f) property.

Dennis W Roseland
Name
Supt - Cut Bank Schools
Title
5-7-04
Date

Copies: Cut Bank Mayor Marion Culleton
jebo; sfd; file
Attachments/Enclosures: Preferred Alternative description and map
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Impacts School.doc

DAVID EVANS
AND ASSOCIATES INC.

April 26, 2004

REC'D MAY 07 2004

Mayor Marion Culleton
City of Cut Bank
113 E. Main Street
Cut Bank, MT 59427

SUBJECT: **CUT BANK OVERPASS, MDT STPS 213-1(12)0 CN A158**
SECTION 4(F) PROPERTY IMPACTS IN PROJECT CORRIDOR
(SMITH PARK AND BUD PARK)

Dear Ms. Culleton:

As you know, David Evans and Associates is under contract with Montana Department of Transportation to prepare an environmental assessment for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana.

I wrote to you November 12, 2003 requesting information on Section 4(f) parks and recreation facilities that could be affected by the Cut Bank Overpass project. As a follow up to that letter, today's letter asks you to consider potential impacts the project may have on the Section 4(f) properties in the project corridor, particularly Smith Park and Bud Park. Your response will be included in the environmental assessment documentation.

Please review the enclosed description of the project's Preferred Alternative, the discussion of its potential impacts to parks and recreation facilities, and proposed mitigation. A conceptual map of the Preferred Alternative is provided for reference.

We need information on three criteria required for the project's Section 4(f) evaluation:

1) Please let us know if you can determine any proximity impacts from the proposed project that could impair the use of the 4(f) lands for their intended purpose. Proximity impacts may affect noise, air, or water pollution, or changes to wildlife, wildlife habitats, and aesthetic values.
2) As the official with jurisdiction over this non-Federal Section 4(f) land, can you identify any Federal encumbrances to this property? Federal encumbrances could be in the form of right-of-way, land ownership, or easements.
3) Do you concur with our assessment of impacts and proposed mitigation for the Preferred Alternative described in the enclosed description of the project's Preferred Alternative?

If you determine there are no proximity impacts or Federal encumbrances with questions 1) and 2), please sign below. If you concur with our assessment of impacts in question 3), please sign below. Please return this letter to David Evans and Associates, Inc. If you need to provide information for any of the criteria, please attach that information with your response. This correspondence and your responses will be included in the environmental assessment documentation.

Thank you,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

1) We cannot determine any proximity impacts that could impair the use of the Section 4(f) lands for their intended purpose.

Marion L. Culleton
Name

Mayor
Title

05/04/04
Date

2) We cannot identify any Federal encumbrances to this non-Federal Section 4(f) property.

Marion L. Culleton
Name

Mayor
Title

05/04/04
Date

3) We concur with the assessment of impacts and proposed mitigation to the Smith Park and Bud Park Section 4(f) properties.

Marion L. Culleton
Name

Mayor
Title

05/04/04
Date

Copies: jebo; sfd; file
Attachments/Enclosures: Preferred Alternative description and map
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Impacts City.doc

Note: The following information was attached to the preceding letters dated April 26, 2004 to Mayor Culleton and Mr. Roseleip. The preferred alternative analyzed in the EA has been modified since that time. Please see Chapter 2 of the EA for a description of the Build (Preferred) Alternative.

CUT BANK OVERPASS

Preferred Alternative

The Preferred Alternative was selected because it met the evaluation criteria. The proposed realignment of S-213 to the Skyland Road corridor, along with the proposed overpass location over the BNSF railroad tracks, would provide the safest, most perpendicular intersection with US 2 in a relatively undeveloped area on the western side of town. The proposed alignment is based on an alignment selected as the preferred alternative in MDT's 1969 study (Alternate 2), that was modified to become Option 1 in the 2000 study.

The Preferred Alternative meets the purpose and need of the project. Based on the evaluation criteria, it would improve safety, provide an uninterrupted travel route across town, minimize or avoid impacts to resources, is a reasonable cost, and would meet MDT design guidelines. Development of the Preferred Alternative for this project considered the features of three different sections of the proposed alignment and review of numerous options. Complete descriptions of the sections and options are located in Appendix A. A summary of the Preferred Alternative is included below.

Summary Description of Preferred Alternative

The Preferred Alternative proposes rerouting S-213 from the existing corridor along Central Avenue to Skyland Road (County Road 462) and to cross over the BNSF railroad tracks at a more western location in the City of Cut Bank (see Figure 1). The proposed overpass would be constructed west of 6th Avenue NW and span the railroad tracks, 1st Street NW and the rear access road to the Albertson's shopping center west of the existing at-grade crossing on Old County Road. The railroad tracks would remain at grade. The new alignment of S-213 would be configured to tie into US 2 at a new location south of the tracks near the 5th Avenue SW intersection. The Preferred Alternative would be designed according to MDT's Secondary Road/Urban Minor Arterial requirements. It would tie into the eastern terminus of MDT's adjacent Cut Bank West project on US 2, and accommodate the reconfiguration of the US 2 (Main Street) and Railroad Street "Y" intersection design established by MDT's Cut Bank West project.

At the southwest beginning point of the Preferred Alternative, the new connection of S-213 to US 2 would feature typical urban cross section characteristics, which include two through-lanes, two shoulders wide enough for bicycle use (1.5 m (5.0 ft)), and curbs, gutters and sidewalks on each side. The alternative would parallel the western side of Old County Road and begin an ascent northward toward the overpass. Old County Road would remain in place to continue serving the BNSF operations, the city's gas valve system, a small park, and approximately two businesses. The rear access road from Albertson's loading dock eastward to Old County Road would be maintained because the access road would be spanned by the proposed S-213 railroad overpass. The existing at-grade railroad crossing on Old County Road would be eliminated and a cul-de-sac would be designed for the end of Old County Road south of the tracks.

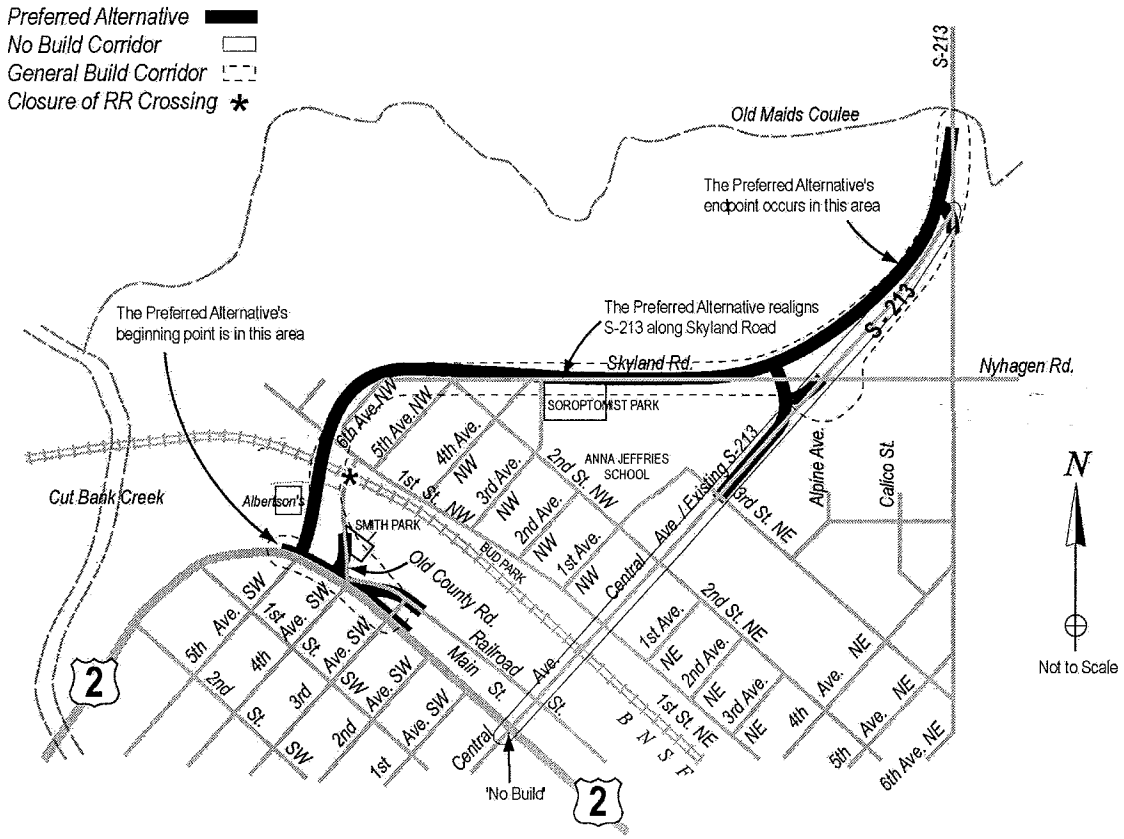
The overpass span and elevated approaches would traverse eastward toward Skyland Road and tie into the alignment somewhat north of the existing Skyland Road centerline. This northerly shift in the alignment would move the roadway slightly away from the adjacent neighborhood for several blocks (from 5th Avenue NW to 3rd Avenue NW) and disconnect the 5th Avenue NW and 2nd Street NW intersections from the proposed S-213. The 5th Avenue NW and 2nd Street NW intersection would remain in place to continue providing circulation and emergency vehicle access in the neighborhood. However, for safety reasons, this intersection would no longer be adjoined to Skyland Road due to its proximity to the curve of the overpass as it ties into Skyland Road. In this area, the alternative would continue to feature typical urban cross section characteristics.

Beginning near 3rd Avenue NW, the proposed S-213 would be aligned with the existing centerline of Skyland Road. The 4th Avenue NW and 3rd Avenue NW intersections with Skyland Road would be improved. A driveway is proposed to access the unpaved parking area of Soroptomist Park; the driveway would feature curbs, gutters and sidewalks. East of the park the road would transition into a typical rural cross section with two through-lanes and shoulders, with variations to the widths of the side slopes along the roadway. Historically, only part of Skyland Road has been paved, west of the Anna Jeffries Elementary School area. The existing gravel road portion of the Skyland Road alignment, from the point where it intersects the existing paved portion, would be fully paved eastward to its alignment with S-213.

Proposed S-213 would proceed eastward along the Skyland Road alignment toward the existing S-213 intersection with Central Avenue and Nyhagen Road. Here, individual access issues in the vicinity of this intersection would be resolved by using or converting portions of the existing highway in this area into driveways or possibly a frontage road to simplify and address the access issues. The proposed alignment would curve northward and transition into a point on existing S-213 south of Old Maids Coulee near RP 1.14.

The existing S-213/ Central Avenue route would revert to the city's jurisdiction. Maintenance would be assumed by the city. The name would remain Central Avenue.

Figure 1. Preferred Alternative



Impacts of Preferred Alternative to Parks and Recreation Facilities

Several parks are located near the proposed project. Soroptomist Park is adjacent to the south side of Skyland Road, and adjacent to the schoolyard north of (behind) the Anna Jeffries Elementary School. Soroptomist Park is owned by the school district. Property lines are not precisely known, but the City of Cut Bank's 2001 Zoning Map shows Soroptomist Park as rectangular parcel contiguous to the Anna Jeffries Elementary School. According to Mayor Marion Culleton (personal communication November 5, 2003), the city and the school district cooperatively maintain Soroptomist Park, although it is owned by the school district. A member of the Jeffries family sold the parcel that the park occupies to the school district in 1948. The park contains an ice skating rink and tennis courts. The Anna Jeffries schoolyard contains a playground near the school and an informal playing field just north of the playground, but the area adjacent to Skyland Road does not feature any formal recreational facilities (personal communication with Cut Bank School District Clerk, April 22, 2004).

City-owned Smith Park, located on Old County Road, and Bud Park, located along 1st Street NW, are adjacent to the BNSF railroad corridor. Smith Park is near the southern terminus of the proposed overpass.

Other public and private outdoor recreation facilities in Cut Bank but outside the project area include a football field, swimming pools, racetrack, fitness/athletic facilities, a nine-hole golf course, and a sports complex with a track, playing field, baseball and softball fields. These are also described in the Social and Community/Economic Impacts section.

View of Skyland Road, looking west toward the Jacobson Addition subdivision. Soroptomist Park is on the left side of the road in the middleground.

IMPACTS

No Build Alternative Impacts. No impacts would occur to Soroptomist Park, the Anna Jeffries schoolyard, Smith Park or Bud Park in the No Build scenario.

Preferred Alternative Impacts. Soroptomist Park's estimated rectangular boundaries contain approximately 0.6 ha (1.6 ac). It is anticipated that the Preferred Alternative right-of-way requirements would impact 0.03 ha (0.09 ac) along the Skyland Road edge of Soroptomist Park. This is 0.05 percent of the park site.

There are presently no curbs, gutters or sidewalks along Skyland Road adjacent to Soroptomist Park. The Preferred Alternative would provide new access control measures to Soroptomist Park in the form of curbs, gutters and sidewalks. A driveway is also proposed to access Soroptomist Park's unpaved parking area and would feature curbs and sidewalks. The Anna Jeffries schoolyard is in the roadway section that would feature the rural cross section characteristics of the Preferred Alternative, including two 3.6 m (12 ft) through lanes and two 2.4 m (8 ft) shoulders (but no curbs, gutters and sidewalks).

The total area for the Anna Jeffries Elementary School and schoolyard measures approximately 8.6 ha (21.3 ac). This measure includes the area to the east of Soroptomist Park. The right-of-

way requirements for this area impact approximately 1.1 ha (2.8 ac). This is a 1.3 percent impact to the school and schoolyard. See Figure 2.4, Preferred Alternative.

Smith Park and Bud Park are not impacted by right-of-way. However, access to Smith Park and Bud Park would be indirectly impacted. This occurs in the form of out-of-direction travel from some points in town due to the closure of the existing Old County Road at-grade crossing over the railroad tracks. No right-of-way acquisition would be necessary.

MITIGATION

Since the preliminary design for the Preferred Alternative results in minor (less than 10 percent) right-of-way impacts to Soroptomist Park and the Anna Jeffries schoolyard, mitigation is not required.

The Preferred Alternative will also improve access to Soroptomist Park. Mitigation for access will not be required.

Closure of the existing Old County Road at-grade crossing indirectly affects access to Smith Park and Bud Park by causing some out-of-direction travel. New directional signage will be installed as mitigation to direct access to Smith Park and Bud Park. No other mitigation is required.

DAVID EVANS
AND ASSOCIATES INC.

December 15, 2003

Ms. Jean Riley
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Subject: **CUT BANK OVERPASS, STPS 213-1(12)0: CN A158**
"Nationwide" Section 4(f) Evaluation and 6(f) Evaluation

Dear Ms. Riley:

David Evans and Associates (DEA) has completed research on three parks in the project study area that could be affected by the Cut Bank Overpass project:

1. Soroptomist Park (owned by the school district)
2. Smith Park (owned by the City)
3. Bud Park (owned by the City)

Via letters and telephone conversations with Cut Bank School Superintendent Dennis Roseleip and Mayor Marion Culleton, each has stated that the parks in question are not significant to the city's overall parks and recreation system. They also acknowledge they have no records whether the parks were purchased or improved with Land & Water Conservation Funds. Copies of these letters and telephone records are enclosed.

Based on this information, we conclude that these properties are not Section 4(f) or Section 6(f) resources. Therefore, no further evaluation is needed, as will be stated in the EA.

Please let us know if you wish to discuss the issue.

Sincerely,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

Copies: Mick Johnson, Mark Studt; Kip Coulter, Jane Boand; File
Attachments/Enclosures: (as listed above)
Initials: sfd
File name:P:\MDOT0000-0015 Cut Bank\ADMIN\Letters\Riley 4(f)_121503.doc

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

TELEPHONE RECORD

DATE:	December 5, 2003
CALL TO:	Cut Bank School Superintendent Dennis Roseleip
FROM:	Saundra Dowling
SUBJECT:	**4(f) and/or 6(f) property in Cut Bank Overpass project corridor**
PROJECT:	Cut Bank Overpass EA
PROJECT NO:	STPS213-1(12)0 CN A158 (MDOT0000-0015)
COPIES:	Kip Coulter, Jane Boand, MDT

Saundra Dowling sent a letter to School Superintendent Dennis Roseleip dated November 12, 2003, inquiring about Soroptomist Park in Cut Bank. This park is owned by the school district. Soroptomist Park is adjacent to the south side of Skyland Road and adjoins the school grounds of Anna Jeffries School. The letter contained two questions: 1) Whether the city considered the park significant to the city's overall park system (to determine if a Section 4(f) evaluation is needed); and 2) Whether the park had been purchased or improved with Land & Water Conservation Funds (LWCF) (Section 6(f) funds).

As a follow up to the November 12th letter, Ms. Dowling phoned the superintendent. The conversation is summarized here:

"Soroptomist Park is hardly significant at all. The ice rink is rarely used and the school district has (tentative) plans to replace or possibly remove the tennis courts, which are hardly used. We have no records of the use of Land & Water Conservation Funds for this park."

Superintendent Dennis Roseleip

Attachments/Enclosures:
Initials: sfd
File Name: Roseleip_120503

1331 17th Street, Suite 900 Denver Colorado 80202 Phone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

REC'D DEC 09 2003

November 12, 2003

Dennis Roseleip, School Superintendent
Cut Bank School District #15
101 3rd Avenue SE
Cut Bank, MT 59427

SUBJECT: **CUT BANK OVERPASS EA, MDT STPS 213-1(12)0 CN A158**
Section 4(f) and/or 6(f) Property in Project Corridor

Dear Mr. Roseleip:

I am writing to request your assistance in providing public land information for an Environmental Assessment (EA) being prepared by the Montana Department of Transportation. This EA for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana. Under 49 U.S.C.303 (Section 4(f)), the EA must evaluate impacts to parks and recreation areas, wildlife and waterfowl refuges and historic sites that are considered significant by the agency with jurisdiction over the land. For purposes of Section 4(f), significance means that in comparing the availability and function of the recreation, park, wildlife and waterfowl refuges with the recreational, park and refuge objectives of the community, the land in question plays an important role in meeting these objectives.

4(f) and 6(f) Explanation
Section 4(f) regulations require MDT to evaluate all public lands potentially impacted by this highway project. It also specifies that all plans and programs include measures to maintain or enhance the natural beauty of any public lands traversed. Under this regulation MDT is required to identify and evaluate potential impacts to these properties and to identify alternatives that avoid or minimize effects on these public lands.

Section 4(f) regulations may apply to publicly-owned or jurisdictional lands defined and utilized as parks, wildlife refuges or preserves, nationally or locally significant historic places, or recreation areas such as camp grounds, public playgrounds, picnic areas, etc.

Section 6(f) applies where matching monies from the National Land and Water Conservation Fund (LWCF) have been used for enhancements or purchase of public land (16 U.S.C. 4601-4). All 6(f) land taken by MDT would need to be replaced on a one-for-one acreage basis with a nearby comparable (or better) parcel of land both in use and dollar value.

The Preferred Alternative for the Cut Bank Overpass Project proposes to reroute S-213 along Skyland Road (County Road 462). As proposed, rerouting S-213 along Skyland Road may impact the Soroptomist Park property.

We need two responses from you on this matter:
1) Please respond with a determination of whether or not the Soroptomist Park is considered significant to the City's overall park system. NOT Significant as two larger parks elsewhere are used

2) Please advise if Land & Water Conservation Funds (Section 6(f) funds) were used for the acquisition of, or improvements to, Soroptomist Park. If no LWCF federal funds have been used, a concurring signature at the bottom of this letter would conclude this query. Dwl

Thank you for your information.

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

Sincerely,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

We acknowledge that no LWCF Section 6(f) funds have been used for the acquisition of, or improvements to the Soroptomist Park site.

"To the best of our knowledge at this time" DWR

Name

Superintendent
Title

12-5-03
Date

Copies: Cut Bank Mayor Marion Culleton
jebo; sfd; file

Attachments/Enclosures: none
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Funds School.doc

Additional note for Question #1.
Soroptimist Park and nearby skating rink area (ice) are rarely used at any time. - DWR

1.

DAVID EVANS
AND ASSOCIATES INC.

TELEPHONE RECORD

DATE:	December 3, 2003
CALL TO:	Cut Bank Mayor Marion Culleton
FROM:	Saundra Dowling
SUBJECT:	**4(f) and/or 6(f) property in Cut Bank Overpass project corridor**
PROJECT:	Cut Bank Overpass EA
PROJECT NO:	STPS213-1(12)0 CN A158 (MDOT0000-0015)
COPIES:	Kip Coulter, Jane Boand, MDT

Saundra Dowling sent a letter to Mayor Culleton dated November 12, 2003, inquiring about two city parks in Cut Bank – Smith Park and Bud Park. The letter contained two questions: 1) Whether the city considered these two parks significant to the city's overall park system (to determine if a Section 4(f) evaluation is needed); and 2) Had either park been purchased or improved with Land & Water Conservation Funds (LWCF) (Section 6(f) funds).

The city returned the letter acknowledging they had no records of the use of LWCF funds. However, the Mayor did not provide a statement of the significance of the parks. As a follow up, Ms. Dowling phoned the mayor. The conversation is summarized here:

"These two parks are not extremely important to the city now. By virtue of their development by the community in years past they have held some importance. The city has no written records of how or when these parks became a part of city property, or if money was involved. No city council meeting minutes disclose an exchange, but oral history by long-time residents indicate both Smith Park and Bud Park were originally owned by the Great Northern Railway. Bud Park is said to have been given by Great Northern to the Soroptomists, who later gave it to the city. Bud Park is significant only as an early form of landscape beautification along the railroad corridor (Bud Park parallels the north side of the tracks along 1st Street NW). Smith Park, south of the tracks and adjacent to the east side of Old County Road, is only occasionally used now by one or two RV campers at a time, and sometimes provides overflow parking space for agricultural vehicles."

Mayor Marion Culleton

Attachments/Enclosures:
Initials: sfd
File Name: Culleton_120303

1331 17th Street, Suite 900 Denver Colorado 80202 Phone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

November 12, 2003

Mayor Marion Culleton
City of Cut Bank
113 E. Main Street
Cut Bank, MT 59427

SUBJECT: **CUT BANK OVERPASS EA, MDT STPS 213-1(12)0 CN A158**
4(f) and/or 6(f) Property in Project Corridor

Dear Ms. Culleton:

I am writing to request your assistance in providing public land information for an Environmental Assessment (EA) being prepared by the Montana Department of Transportation. This EA for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana. Under 49 U.S.C.303 (Section 4(f)), the EA must evaluate impacts to parks and recreation areas, wildlife and waterfowl refuges and historic sites that are considered significant by the agency with jurisdiction over the land. For purposes of Section 4(f), significance means that in comparing the availability and function of the recreation, park, wildlife and waterfowl refuges with the recreational, park and refuge objectives of the community, the land in question plays an important role in meeting these objectives.

4(f) and 6(f) Explanation
Section 4(f) regulations require MDT to evaluate all public lands potentially impacted by this highway project. It also specifies that all plans and programs include measures to maintain or enhance the natural beauty of any public lands traversed. Under this regulation MDT is required to identify and evaluate potential impacts to these properties and to identify alternatives that avoid or minimize effects on these public lands.

Section 4(f) regulations may apply to publicly-owned or jurisdictional lands defined and utilized as parks, wildlife refuges or preserves, nationally or locally significant historic places, or recreation areas such as camp grounds, public playgrounds, picnic areas, etc.

Section 6(f) applies where matching monies from the National Land and Water Conservation Fund (LWCF) have been used for enhancements or purchase of public land (16 U.S.C. 4601-4). All 6(f) land taken by MDT would need to be replaced on a one-for-one acreage basis with a nearby comparable (or better) parcel of land both in use and dollar value.

The Preferred Alternative for the Cut Bank Overpass Project proposes to reroute S-213 along Skyland Road (County Road 462). As proposed, rerouting S-213 along Skyland Road may indirectly impact access to the Smith Park and Bud Park properties.

We need two responses from you on this matter:
1) Please respond with a determination of whether or not Smith Park and Bud Park are considered significant to the City's overall park system.

2) Please advise if Land & Water Conservation Funds (Section 6(f) funds) were used for the acquisition of, or improvements to, Smith Park or Bud Park. If no LWCF federal funds have been used, a concurring signature at the bottom of this letter would conclude this query.

Thank you for your information.

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

Sincerely,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

To the best of my knowledge I respond with my signature acknowledging in the negative.

We acknowledge that no LWCF Section 6(f) funds have been used for the acquisition of, or improvements to the Smith Park site.

Name

Title

11/26/03
Date

We acknowledge that no LWCF Section 6(f) funds have been used for the acquisition of, or improvements to the Bud Park site.

Name

Title

11/26/03
Date

Copies: jebo; sfd; file
Attachments/Enclosures: none
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Funds City.doc

MDT attempts to provide accommodation for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information, call 406.444.7228 or TTY (800.335.7592) or call Montana Relay at 711.

Appendix C
Farmland Conversion Impact Rating

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DAVID EVANS
AND ASSOCIATES INC.

April 7, 2004

Mr. Mark Johnson
US Department of Agriculture - Natural Resources and Conservation Service
Cut Bank Service Center
601 W. Main Street
Cut Bank, MT 59427-2829

SUBJECT: **CUT BANK OVERPASS**
STPS 213-1(12)0 CN A158
USDA NRCS-CPA-106 Farmland Conversion Impact Rating Form

Dear Mr. Johnson:

Please find the enclosed copies of the USDA NRCS CPA-106 Farmland Conversion Impact Rating form for Corridor Type Projects and maps prepared for the above referenced project. David Evans and Associates, Inc., project consultant, is managing the project for the Montana Department of Transportation (FHWA).

We will be coordinating the identification of Important Farmlands and completion of the USDA NRCS CPA-106 forms through the Cut Bank Field Office, as directed in May 2, 2003 correspondence from Dave White. This correspondence completes Steps 1 and 2 of the USDA NRCS CPA-106 Farmland Conversion Impact Rating Form Instructions. This step requires that the federal agency (FHWA) complete Parts I and III on the form and send three (3) copies to the NRCS field office nearest the project location.

The Cut Bank Overpass Project proposes to provide a grade separation at one of the three city routes presently crossing over the Burlington Northern Santa Fe railroad tracks. This grade separation/overpass would provide a safe and uninterrupted pedestrian and vehicular transportation route between the north and south sides of town. The road selected to be rerouted onto the proposed overpass is S-213. The Preferred Alternative (Corridor B) proposes to realign S-213 along the Skyland Road corridor and the proposed overpass would be constructed in the vicinity immediately west of 6th Avenue NW. The rerouted S-213 over this overpass would be reconnected to US 2, south of the railroad tracks in the vicinity of 5th Avenue SW. The proposed realignment of existing S-213 onto Skyland Road creates a right-of way impact of approximately 4.4 hectares (11 acres) on farmland of statewide importance (Am) at the eastern end of the project area.

Please contact me at (720) 946-0969 if you have any questions about this information. Thank you for your assistance.

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Laundia Dowling

for Richard J. Garcia
GIS Analyst/Planner

Copies: Mark Studt, MDT
Jane Boand, DEA
File

Attachments/Enclosures: NRCS-CPA-106 Farmland Conversion Impact Rating for Corridor Type Projects (3)
2 Maps supporting documentation for calculations (3 sets)

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U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I *(To be completed by Federal Agency)*	3. Date of Land Evaluation Request **4/7/04**	4. Sheet 1 of **1**
1. Name of Project **Cut Bank Overpass**	5. Federal Agency Involved **FHWA (MDT)**	
2. Type of Project **Urban Transportation Corridor**	6. County and State **Glacier County, MT**	

PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES ☐ NO ☐		4. Acres Irrigated | Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS

PART III *(To be completed by Federal Agency)*	Alternative Corridor For Segment ____			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	0	11		
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0		
C. Total Acres In Corridor	0	11	0	0
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)*				
PART VI *(To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))* — Maximum Points				
1. Area in Nonurban Use — 15				
2. Perimeter in Nonurban Use — 10				
3. Percent Of Corridor Being Farmed — 20				
4. Protection Provided By State And Local Government — 20				
5. Size of Present Farm Unit Compared To Average — 10				
6. Creation Of Nonfarmable Farmland — 25				
7. Availablility Of Farm Support Services — 5				
8. On-Farm Investments — 20				
9. Effects Of Conversion On Farm Support Services — 25				
10. Compatibility With Existing Agricultural Use — 10				
TOTAL CORRIDOR ASSESSMENT POINTS — 160	0	0	0	0
PART VII *(To be completed by Federal Agency)*				
Relative Value Of Farmland (From Part V) — 100				
Total Corridor Assessment (From Part VI above or a local site assessment) — 160	0	0	0	0
TOTAL POINTS *(Total of above 2 lines)* — 260	0	0	0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used?
Corridor B			YES ☐ NO ☐

5. Reason For Selection:

Corridor B is the Preferred Alternative. It was selected because the proposed realignment of S-213 to this corridor, along with the proposed overpass located over the BNSF railroad tracks, provides the safest, most perpendicular intersection with US 2 in a relatively undeveloped area on the western side of town. This proposed alignment is essentially the same alignment selected as the preferred in a 1969 study completed by MDT and meets all the evaluation criteria for the project.

Signature of Person Completing this Part: | DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with $1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

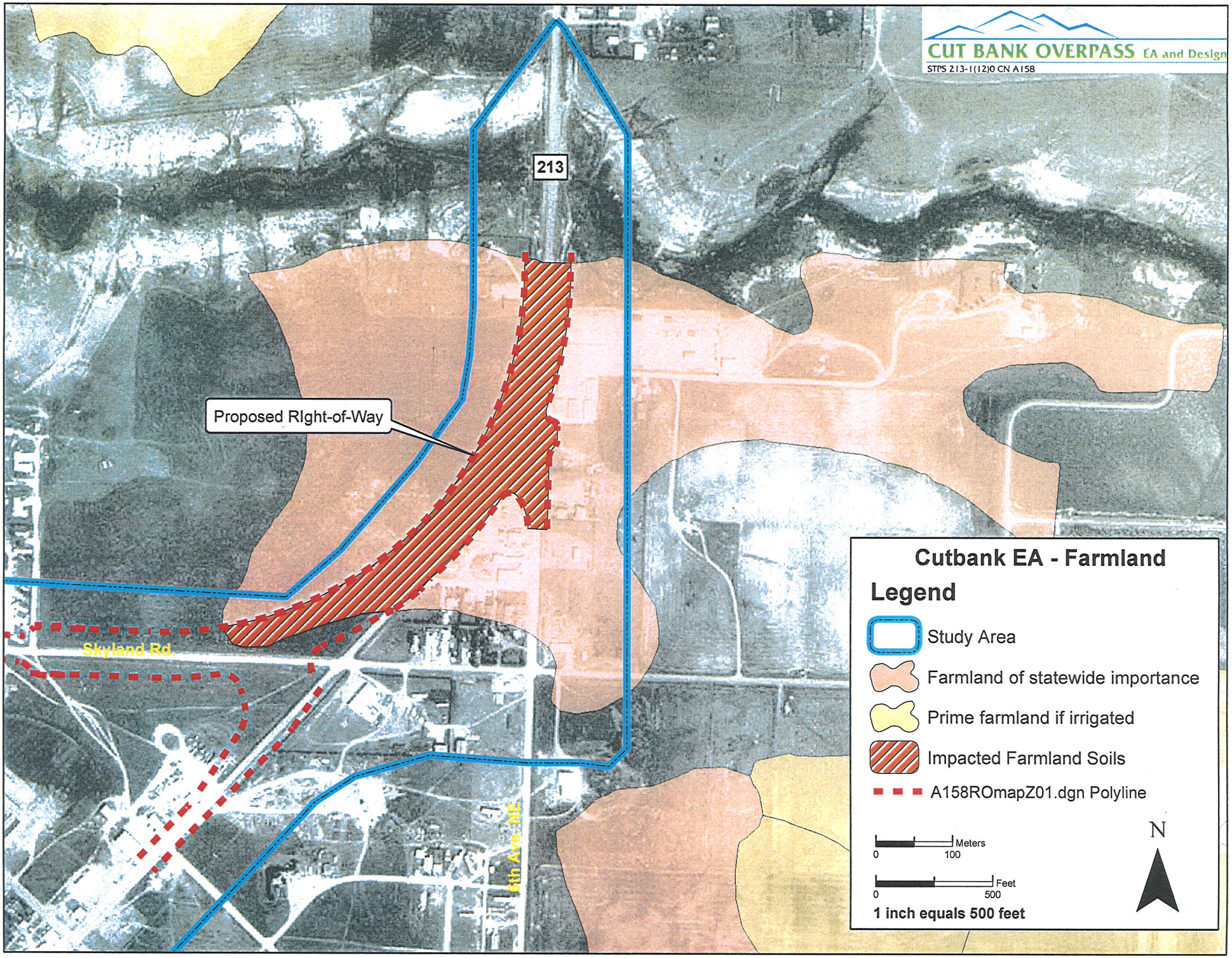
CUT BANK OVERPASS EA and Design
STPS 213-1(12)0 CN A158
213
Proposed RIght-of-Way
Skyland Rd.
6th Ave. NE
Cutbank EA - Farmland
Legend
Study Area
Farmland of statewide importance
Prime farmland if irrigated
Impacted Farmland Soils
A158ROmapZ01.dgn Polyline
Meters
0
100
Feet
0
500
1 inch equals 500 feet
N
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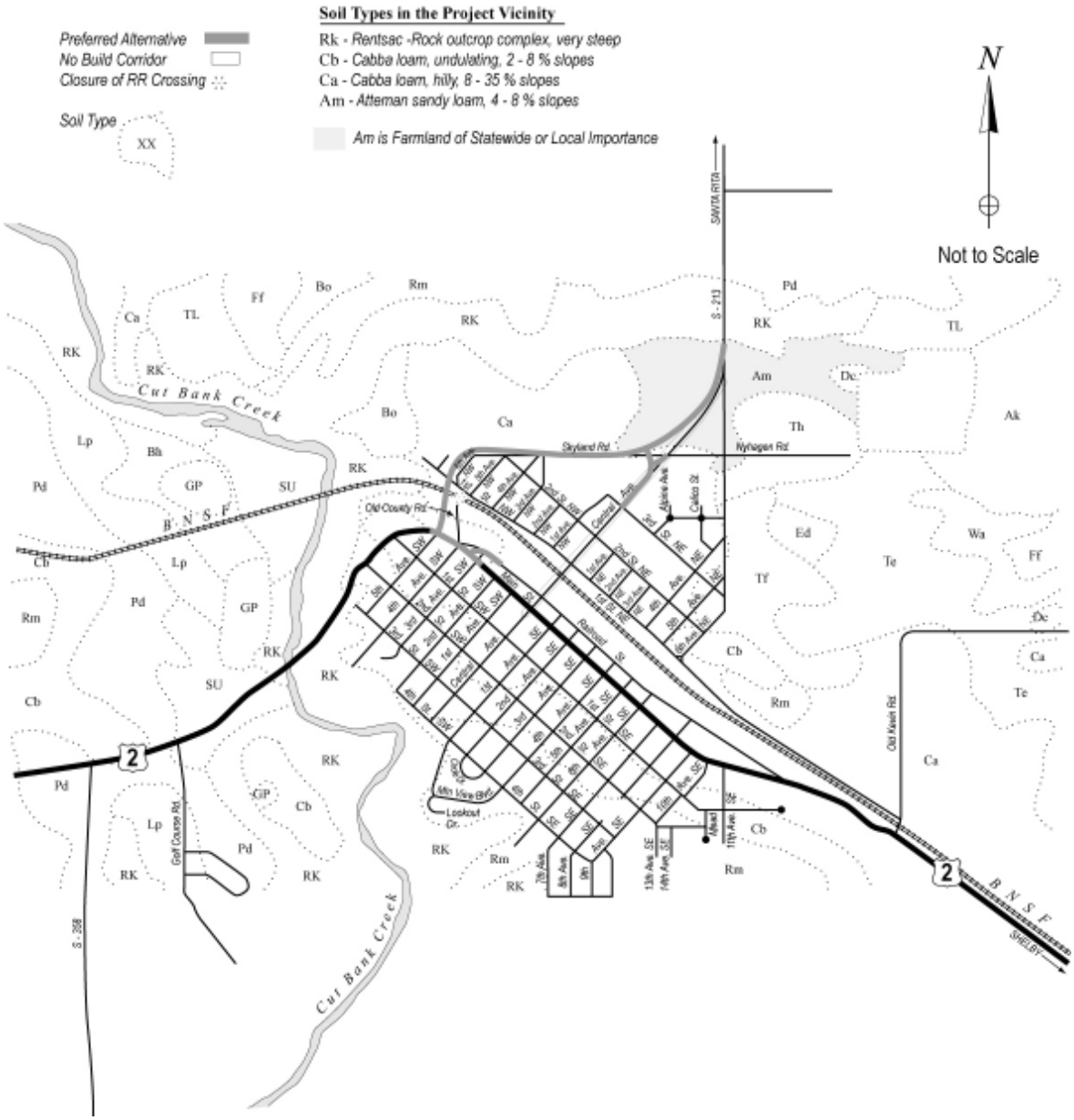
Figure C.1 Important Farmland and Soil Types in the Project Vicinity



Appendix D
Agency Coordination and Agency Letters

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S.D.A. Natural Resources Conservation Service
- Montana Fish, Wildlife and Parks
- Montana Natural Heritage Program
- Montana State Historic Preservation Office
- Correspondence Regarding Section 4(f) Resources
  - City of Cut Bank
  - Cut Bank School District

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U.S. ARMY CORPS OF ENGINEERS
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

REPLY TO
ATTENTION OF:

June 5, 2003

Helena Regulatory Office
Phone (406) 441-1375
Fax (406) 441-1380

Subject: Corps File Number 2003-90-134
Cut Bank Overpass
STPS 213-1(12)0, MDT Control Number A158
Cooperating Agency Response

Mr. Clifford Coulter
Project Manager
David Evans and Associates, Inc.
1331 17th Street, Suite 900
Denver, Colorado 80202

Dear Mr. Coulter:

This letter is a response to your February 26, 2003 request that the US Army Corps of Engineers (Corps) be a Cooperating Agency for the Montana Department of Transportation (MDT) project listed above. The project is on Montana Secondary Highway 213 in the Community of Cut Bank in Glacier County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material below the ordinary high water mark of our Nation's rivers, streams, lakes or wetlands.

Pursuant to the National Environmental Policy Act, the Corps agrees to be a Cooperating Agency. Our participation as a Cooperating Agency will be limited to reviewing and commenting on project features that will or may affect Waters of the United States (WUS). This will be in addition to our regulatory and permitting responsibilities.

You also requested information regarding any items of concern to the Corps. After reviewing all available maps, and the aerial photograph of the project your office submitted on May 6, 2003, it is still unclear if the proposed project will affect any WUS. This office will provide more specific comments regarding the presence of WUS upon receipt of your determination or wetland delineation. Specific comments will also be provided, if necessary, upon receipt of plan sheets or maps that show any proposed fills or other impacts on WUS.

A copy of the Fact Sheet for **Nationwide Permit 14 - Linear Transportation Crossings** is enclosed for your review. It is unknown at this time if the proposed work would qualify for a Nationwide Permit, but this Fact Sheet provides a good reference for use in developing detailed designs, plans, and specifications for your project.

Todd Tillinger of this office will be the Corps' project manager. He may be reached by phone at (406) 441-1375 or by e-mail at todd.n.tillinger@usace.army.mil. Please reference Corps File Number 2003-90-134.

Sincerely,

Allan Steinle
Montana Program Manager

Enclosure

Copy Furnished, with enclosure:

Jean Riley, Montana Department of Transportation Environmental Services, Helena

FACT SHEET
NATIONWIDE PERMIT 14

LINEAR TRANSPORTATION CROSSINGS: Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways and taxiways) in waters of the United States, including wetlands, if the activity meets the following criteria:

a. This NWP is subject to the following acreage limits:
(1) For linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2-acre of waters of the U.S.; or
(2) For linear transportation projects in tidal waters, provided the discharge does not cause the loss of greater than 1/3-acre of waters of the U.S.

b. The permittee must notify the District Engineer if any of the following criteria are met:
(1) The discharge causes the loss of greater than 1/10 acre of waters of the United States; or
(2) There is a discharge in a special aquatic site, including wetlands;

c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the United States to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses will be minimized to the maximum extent practicable;

d. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must include a delineation of the affected special aquatic sites;

e. The width of the fill is limited to the minimum necessary for the crossing;

f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing waters of the United States. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an individual permit. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (See 33 CFR 323.4).

General Conditions: The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation: No activity may cause more than a minimal adverse effect on navigation.

2. Proper Maintenance: Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. Soil Erosion and Sediment Controls: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

4. Aquatic Life Movements: No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

5. Equipment: Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. Regional and Case-By-Case Conditions: The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification.

7. Wild and Scenic Rivers: No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water Quality:

(a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)).

(b) For NWP 14, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coast Zone Management: ***Not applicable.***

11. Endangered Species: (a) No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of any activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/r9endspp/endspp.html and http://www.nfms.noaa.gov/prot_res/overview/es.html respectively.

12. Historic Properties: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification: *See attached sheets.*

14. Compliance Certification: Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will be forwarded by the Corps with the authorization letter and will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits: The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3 acre).

16. Water Supply Intakes: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation: The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring notification, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, 1/4-acre of wetlands cannot be created to change a 3/4-acre loss of wetlands to a 1/2-acre loss associated with NWP 39 verification. However, 1/2-acre of created wetlands can be used to reduce the impacts of a 1/2-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purpose. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the

vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineer may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the notification may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the United States.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows: To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelization will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments: If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restriction of its flow, shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the United States, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resources Waters: Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWP 14 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be authorized in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

26. Fills Within 100-Year Floodplains: The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period: For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12 months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

Further Information:

1. District Engineers have authority to determine if any activity complies with the terms and conditions of a NWP.

2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

General Condition 13. Notification:

(a) Timing: Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (sketches usually clarify the project and when provided result in a quicker decision);

(4) For NWP 14, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) **Not applicable to NWP 14.**

(6) For NWP 14, the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the United States and a statement describing how temporary losses of waters of the United States will be minimized to the maximum extent practicable.

(7) thru (16) **Not applicable to NWP 14.**

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b)(1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms

and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the United States will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the United States, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, State natural resource or water quality agency, EPA, and State Historic Preservation Officer (SHPO), and if appropriate, the NMFS). These agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetlands Delineations: Wetlands delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

NATIONWIDE PERMITS
REGIONAL CONDITIONS
STATE OF MONTANA
OMAHA DISTRICT – CORPS OF ENGINEERS
Effective March 18, 2002

1. Fens

All nationwide permits, with the exception of 3, 5, 20, and 32, are revoked for use in fens in Montana. For nationwide permits 3, 5, 20, and 32 permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any regulated activity impacting fens in Montana.

Wetlands commonly known as fens are defined as wetlands that are characterized by waterlogged spongy ground and contain (in all or in part) soils classified as histosols or mineral soils with a histic epipedon. To determine whether this provision applies, the entire wetland must be examined for the presence of histosols or histic epipedons.

2. Springs

For all nationwide permits, except NWP 40(a), permittees must notify the Corps in accordance with General Condition No. 13 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in Montana. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

3. Pool and Riffle Complexes

For all nationwide permits, except NWP 40(a), permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any regulated activity involving the discharge of dredge or fill material into pool and riffle complexes. The notification must contain identification of the location of pool and riffle complexes in the project area. Projects involving the discharge of dredged or fill material into a pool and riffle complex will not be authorized by a nationwide permit unless the permittee demonstrates that avoidance is impracticable. Compensatory mitigation for unavoidable adverse impacts may be required.

4. Yellowstone River, Bitterroot River, and Missouri River

In addition to those nationwide permit activities that require notification to the Corps, all activities proposed to be undertaken on the Yellowstone, Bitterroot and Missouri Rivers in accordance with NWPs 3, 12, 13, 14, 16, 18, 19, 39, 40(b), and 42 require prior notification to the Corps in accordance with General Condition No. 13 (Notification).

5. Nationwide Permit 12 - Utility Line Activities

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any utility line activity that involves the discharge of dredged or fill material into a flowing stream (including intermittent and ephemeral streams) in Montana.

Utility line projects through wetlands must be designed and constructed to prevent the trench and bedding material from acting as a subsurface drain. Cutoff collars will be installed if necessary to prevent wetland drainage.

6. Nationwide Permit 13 - Bank Stabilization

Bank stabilization structures that project into the stream, such as barbs or vanes, must meet the following criteria for consideration under this nationwide permit:

- The end of the structure at the bank will be no higher than the ordinary high water mark.
- The structure must angle upstream.
- The top of the structure must decrease in elevation from the bank to the end of the structure away from the bank.
- The structure must be keyed into the bed and the bank.

Structures that project from the bank that are perpendicular to the normal flow direction, or angle downstream, or extend above the ordinary high water mark, or are designed horizontally level, will not be considered under Nationwide Permit 13.

Projects that meet the bulleted criteria above may be reviewed under individual permit procedures if the Corps determines the project may have adverse impacts to adjacent properties, river functions, or essential habitat. Structures that occupy more than10-25% of the bankfull channel width are more likely to be evaluated under individual permit procedures. Any permitted structure that fails must be repaired or all material removed from below ordinary high water.

The following applies to bank revetments (i.e., riprap, rootwads or any bioengineered revetment) and to bank stabilization structures that project into the stream, such as barbs or vanes. All bank stabilization structures must meet the following criteria for consideration under this nationwide permit:

- The top of the bank stabilization structure may not extend above the elevation of the existing top of the bank (i.e., no new levees).
- No bank stabilization structure can block or divert flows from entering a side channel or an overflow channel.

7. Nationwide Permit 23 - Approved Categorical Exclusions

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any activities involving the discharge of dredged or fill material into waters of the United States.

8. Nationwide Permit 27 - Stream and Wetland Restoration Activities

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any wetland or riparian restoration or creation activities that involve the discharge of dredged or fill material into waters of the United States.

9. Nationwide Permit 39 - Residential, Commercial, and Institutional Developments

Permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any work that involves the discharge of dredged or fill material into waters of the United States.

10. Placement and Removal of Temporary Fills

General Condition No. 24 is amended by adding the following: When temporary fills are placed in wetlands, a horizontal marker (e.g., fabric, certified weed-free straw, etc.) must be used to delineate the existing ground elevation of wetlands that will be temporarily filled during construction to facilitate removal to original grade and contour and to aid in restoration of impacted vegetation.

11. Channel Straightening and Relocation Activities

For all nationwide permits, except NWP 40(a), permittees must notify the Corps in accordance with General Condition No. 13 (Notification) prior to initiating any activity that would result in straightening, relocating and/or shortening an existing perennial stream channel. For all such activities, the following conditions must be met:

(1) The total channel length reduction is less than 100 feet; and

(2) The project is necessary to prevent significant damage to private or public structures (roads, buildings, bridges, etc.); or

(3) The project involves relocation of a previously straightened stream channel and net length is not reduced.

In addition to the above, the following conditions must be adhered to:

(a) Buffer strips will be set aside along the entire length of the new channel with a minimum width of 30 feet measured from the top of each side slope. The buffer strip shall be planted to appropriate permanent, perennial, native vegetation and will remain in this condition. Trees/shrubs removed by the construction will be replaced at a minimum ratio of 2 (replanted): 1 (removed). Higher ratios may be required in higher valued resource areas. The trees/shrubs will be replanted within the buffer strip, extending up and downstream of the project area, if necessary.

(b) The side slopes of the channel will be no steeper than three-foot horizontal to one-foot vertical [3(h): 1(v)]. If steeper slopes are proposed, a registered professional engineer must certify their stability. In no case will unarmored slopes steeper than 2(h): 1(v) be acceptable.

(c) Wetland losses greater than 0.1 acre will be mitigated. Replacement of riffle/pool complexes may be required if it is determined that their loss results in more than minimal impact.

DAVID EVANS
AND ASSOCIATES INC.

February 26, 2003

Mr. Allan Steinle, State Program Manager
U.S. Army — Corps of Engineers
10 West 15th Street, Suite 2200
Helena, MT 59626

Subject: STPS 213-1(12)0 CN A158
Cut Bank Overpass Environmental Assessment and Design
Cooperating Agency Request

Dear Mr. Steinle:

The U.S. Army – Corps of Engineers (CoE) has jurisdiction by law over all "waters of the U.S.", is requested to be a Cooperating Agency on this proposed project in accordance with the U.S. Department of Transportation Federal Highway Administration's (FHWA's) regulations (23 CFR 771.111(d) and the provisions of *Section 404* of the *Clean Water Act* (33 U.S.C. 1251 - 1376, inclusive).

David Evans and Associates, Inc., project consultant, is managing the project for the Montana Department of Transportation. The project is located in Cut Bank and involves extending an overpass over the existing Burlington Northern Santa Fe (BNSF) "Hi Line". The project is potentially located at one of the existing at-grade crossings of the BNSF in Cut Bank. Please review the information sheet attached to this letter for specific details about the proposed project.

Detailed project plans of this proposed project are not yet available. However, any items of concern to the CoE will assist with the implementation, if necessary, of further interagency coordination to avoid or minimize potential project impacts. A written response to this Cooperating Agency request is needed for the environmental documentation for this project.

Please contact me at David Evans and Associates, Inc. at (720) 946-0969 if you have any questions about this request. If no reply is received within forty-five (45) calendar days – or by April 14, 2003 – it will be assumed that the CoE has no concerns about the proposed project and does not wish to be a Cooperating Agency. Thank you for your assistance.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Clifford (Kip) Coulter, PE
Project Manager for Cut Bank Overpass

Enclosure

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

cc: Michael Johnson, District Administrator – MDT Billings District (No. 3)
Mark Studt, P.E., MDT Project Manager
Jean Riley, MDT Environmental Services Supervisor
John Horton, MDT Right-of-Way Bureau Chief
Dale Paulson, Program Development Engineer – FHWA
Saundra Dowling, David Evans and Associates, Inc.
File

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.44 MDT (I)

March 18, 2003

Clifford Coulter
David Evans and Associates, Inc.
1331 17th Street
Suite 900
Denver, Colorado 80202

Dear Mr. Coulter:

This is in response to your February 26, 2003 letter regarding the Montana Department of Transportation proposal to construct a railroad overpass in the town of Cut Bank in Glacier County, Montana (STPS 213-1(12)0; Control No. A158). Your letter requested a list of threatened and endangered (T/E) species from the U.S. Fish and Wildlife Service (Service) that may occur near the proposed project site, and any information we may have regarding Service resources that may be affected pursuant to S.4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303). A request that the Service be a Cooperating Agency with regards to this project was also contained in your letter. The Service's Montana Field Office received your letter on February 28, 2003. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

The proposed project would be located in a developed area within Cut Bank. Based on the information accompanying your letter, proposed activities would include constructing a railroad overpass, reconfiguring nearby intersections, and realigning roadways. A final design has not yet been chosen. Considering the specific scope, nature, and location of this project, we do not anticipate the occurrence of any listed, proposed, or candidate species in the vicinity of the proposed project. Therefore, the Service does not anticipate any project-related adverse impacts to T/E, proposed, or candidate species, nor any critical habitat.

We are not aware of any Service-owned or administered lands, or other resources protected under S.4(f) of the 1966 Department of Transportation Act that may occur near, or be impacted by, the proposed project.

The Service agrees to be a Cooperating Agency for this project. As such, the Service will review and respond to documents required for compliance with the Endangered Species Act and the Fish and Wildlife Coordination Act.

Your letter did not indicate whether wetlands might be impacted by the proposed project. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

This concludes consultation on this project and no further review under section 7 of the Endangered Species Act is necessary. We appreciate your efforts to consider and conserve fish and wildlife resources, including T/E species. If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, extension 201.

Sincerely,

R. Mark Wilson

R. Mark Wilson
Field Supervisor

DAVID EVANS
AND ASSOCIATES INC.

February 26, 2003

Mr. Brent Esmoil, Field Supervisor
U.S. Fish and Wildlife Service (USF&WS)
Montana Field Office
100 North Park, Suite 320
Helena, MT 59601

Subject: STPS 213-1(12)0 CN A158
Cut Bank Overpass Environmental Assessment and Design
Cooperating Agency Request

Dear Mr. Esmoil:

In accordance with *Section 7(a)* of the *Endangered Species Act*, the Montana Department of Transportation (MDT) is requesting a list of Threatened and/or Endangered Species in the vicinity of the proposed road improvement project referenced above. This information will be used in the preparation of environmental documentation for the proposed project. Any other relevant comments related to the proposed project that the USF&WS may have at this time would also be appreciated.

David Evans and Associates, Inc., project consultant, is managing the project for the Montana Department of Transportation. The project is located in Cut Bank and involves extending an overpass over the existing Burlington Northern Santa Fe (BNSF) "Hi Line". The project is potentially located at one of the existing at-grade crossings of the BNSF in Cut Bank. The Township, Range and Section numbers are:

- T33R: R 6W S 1,6,7,12 (Cut Bank Quad)

Please review the information sheet attached to this letter for specific details about the proposed project.

This letter also serves to request the USF &WS to be a Cooperating Agency on the proposed project in accordance with the U.S. Department of Transportation Federal Highway Administration's (FHWA's) regulations under the *National Environmental Policy Act* (*NEPA*, see 23 CFR 771.111(d)). Please confirm our assumptions that, to our knowledge, the proposed project will not impact any USF&WS easements to the FHWA, nor that the proposed project will impact USF&WS resources as protected by Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303), which include the following:

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

a. Parks and/or Recreation Areas;

b. Wildlife/Waterfowl Refuges;

c. Sites eligible for inclusion in, or are already in the National Register of Historic Places under *Section 106* of the *National Historic Preservation Act* (16 U.S.C. 470); and/or

d. Lands managed as multiple use which include recreation sites, or wildlife/waterfowl refuges as listed previously.

A written response to this Cooperating Agency request is needed for the environmental documentation for this project. MDT will also provide a copy of the draft environmental document to you for your review.

Please contact me at David Evans and Associates, Inc. at (720) 946-0969 if you have any questions about this request. If no reply is received within forty-five (45) calendar days – or by April 14, 2003 – it will be assumed that the USF&WS has no concerns about the proposed project and does not wish to be a Cooperating Agency. Thank you for your assistance.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Clifford (Kip) Coulter, PE
Project Manager for Cut Bank Overpass

Enclosure

cc: Michael Johnson, District Administrator – MDT Billings District (No. 3)
Mark Studt, P.E., MDT Project Manager
Jean Riley, MDT Environmental Services Supervisor
John Horton, MDT Right-of-Way Bureau Chief
Dale Paulson, Program Development Engineer – FHWA
Saundra Dowling, David Evans and Associates, Inc.
Martha Wiley, David Evans and Associates, Inc.
File

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United States Department of Agriculture

NRCS

Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715-4704

May 2, 2003

Clifford (Kip) Coulter, PE
David Evans and Associates, Inc.
1331 17th Street, Suite 900
Denver, Colorado 80202

REC'D MAY 0 9 2003

Subject: STPS 213-1(12)0 CN A158
Cut Bank Overpass Environmental Assessment and Design
Cooperating Agency Request

Dear Mr. Coulter:

Thank you for your letter of February 26, 2003, inviting the Montana Natural Resources Conservation Service (NRCS) to participate as a cooperating agency on the above referenced highway improvement project. As you may be aware, the enactment of the 2002 Farm Bill, in addition to emergency drought assistance and ongoing conservation programs have placed particularly strong demands on NRCS technical assistance resources at this time. Due to the requirements of meeting our workload, we, therefore, are **not** requesting to become a cooperating agency on this project.

NRCS does continue to advocate for interagency coordination and requests to be kept informed of the progress of the study, coordination meetings, and draft environmental documents on an informal basis. We will comment and/or participate when appropriate and as time allows. Any such information should be sent to Mark Johnson, District Conservationist, in the NRCS Cut Bank Field Office, 601 West Main Street, Suite 14, Cut Bank, Montana 59427-3082.

Please continue to coordinate the identification of Important Farmlands and completion of the Farmland Conversion Impact Rating Form, AD-1006, if necessary, through Mr. Johnson. Thank you again for your correspondence and the opportunity to participate in this project.

For,

DAVE WHITE
State Conservationist

cc:
Phyllis Philipps, ASTC–FO, Upper Missouri Area, NRCS, Great Falls, MT
Martin A. Jiminez, State Resource Conservationist, NRCS, Bozeman, MT
Tom Pick, Water Quality Specialist, NRCS, Bozeman, MT
Mark Johnson, District Conservationist, NRCS, Cut Bank, MT

Montana Fish, Wildlife & Parks

4600 Giant Springs Road
Great Falls, MT 59405

May 12, 2003

Clifford Coulter
David Evans & Associates, Inc.
1331 17th Street, Suite 900
Denver, CO 80202

REC'D MAY 14 2003

RE: Cut Bank Overpass
STPS 213-1 (12)0 CN A158

Dear Mr. Coulter:

I read your letter of 26 February 2003 and considered the proposal you sent to build a railroad overpass on the west side of Cut Bank, Montana.

Your letter said that if we did not reply by 14 April 2003 you would assume MFW&P had no concerns about the proposed project and did not wish to be a Cooperating Agency. This is, indeed, the situation.

I am familiar with Cut Bank and all the other Montana Hi-Line communities that straddle the railroad. Most have either an underpass or an overpass. I understand the need for one in Cut Bank and support the community's request.

At least forty times a year my staff reviews construction proposals for their impacts to wildlife and wildlife supporting habitats. Usually we pass on municipal road, water and sewer projects because the need outweighs the impacts and because the wildlife impacts of specific projects are usually insignificant when compared to the overall wildlife impacts of the existing community.

In the Cut Bank proposal we did look at "Threatened" and "Endangered" species issues; possible wetland impacts; water quality issues; and fisheries concerns. We did not see any impacts of this project that could be classed as significant.

My agency does not own or manage and recreation land in the vicinity of the proposals, MFW&P is not planning to purchase any property in or near Cut Bank.

Losses of city property with Land & Water Conservation Fund investments need to be mitigated either value for value or acre for acre. Usually this is left up to the city and the contracting agency to work out.

MFW&P wants to cooperate and appreciates the opportunity to review and comment on projects that may have a significant wildlife impact. We often suggest changes to benefit wildlife. Generally we do not have the time or resources to contribute more.

Sincerely,

Mike Aderhold

Mike Aderhold
Region 4 Supervisor

MONTANA
Natural Heritage
Program

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 •
http://nris.state.mt.us

February 28, 2003

Clifford Coulter
David Evans and Associates Inc.
1331 17th Street, Suite 900
Denver, Colorado 80202

Dear Clifford,

I am writing in response to your recent request regarding species of concern in the vicinity of the Cut Bank Overpass Environmental Assessment, Sections 6 and 7, T33N, R05W, and Sections 1 and 12, T33N, R06W.

In checking our database for this area, I found no records of species of special concern. A map is enclosed so that you can confirm that the search area is correct.

Please remember that results of a data search by the Montana Natural Heritage Program are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

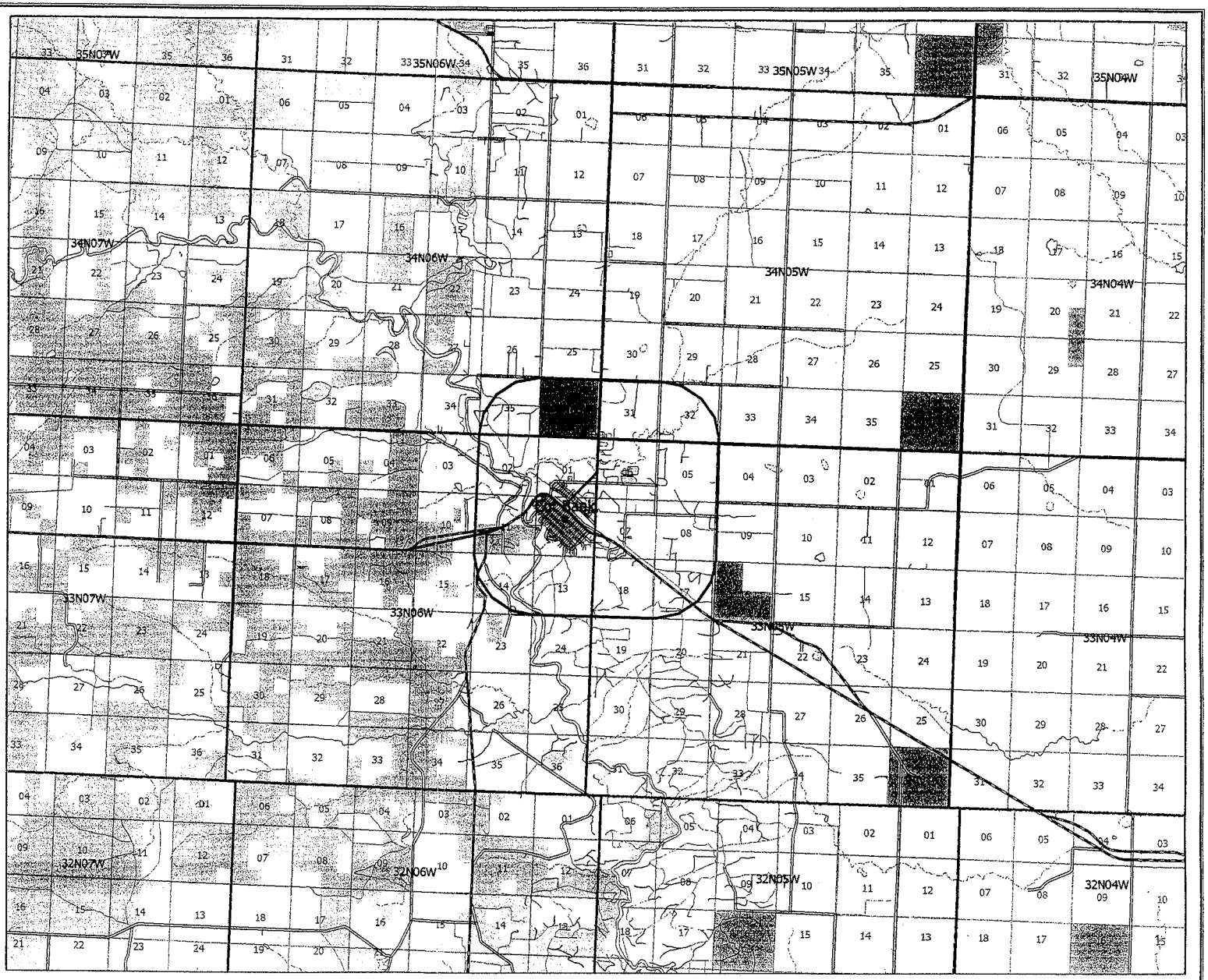
Biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

Should you have any questions or require additional information, please feel free to contact me at (406) 444-3290 or via my e-mail address, below.

Sincerely,

Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(email: martinm@state.mt.us)

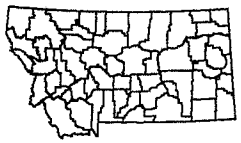
Montana Species of Concern
Cutbank Overpass
CN A158



Search Area

Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area.

Not all legend items may occur on map.

Features shown on this map do not imply public access to any lands.

This map displays management status, which may differ from ownership.

Refer to accompanying documentation for full explanation of map features.

MONTANA Natural Heritage Program

Natural Resource Information System
Montana State Library
PO Box 201800
Helena, MT 59620-1800
(406) 444-3009 mtnhp@state.mt.us

February 28 2003
03prvt0331

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Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
SEP 16 2004
ENVIRONMENTAL

• Josef
• MDT
• RR Overpass to Cut Bank
EFFECT FINDING

September 1, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: STPS 213-1(12)0
RR Overpass – Cut Bank
Control No. A158

CONCUR
MONTANA SHPO
DATE 15 Sep 04 SIGNED

Dear Mark:

Enclosed is the Determination of Effect for the above project in Glacier County. We have determined that the proposed project would have **No Effect** to the NRHP-eligible Great Northern Railway (24GL191), the M & M Drive-In (24GL227), the Prindle House (24GL1096), and the Jackson/Freed Residence (24GL1097) for the reasons cited in the document. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosure

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, P.E., Consultant Design
Bonnie Steg, Resources Section

file: MDT/2004

Environmental Services Unit
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
MAR 2 9 2004
ENVIRONMENTAL

RECEIVED
MAR 1 9 2004
BY:

March 18, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: STPS 213-1(12)0
RR Overpass – Cut Bank (Addendum)
Control No. A158

CONCUR
MONTANA SHPO
DATE 25 Mar 04 SIGNED

Dear Mark:

Enclosed is an addendum cultural resource report to the June, 2003 cultural resource report for the above project in Glacier County. Aaberg Cultural Resource Consulting Service (ACRCS) recorded an additional twelve historic sites on a newly identified alternative for the project. Of those, four had been previously recorded (24GL227, 24GL231, 24GL232, and 24GL235) in the early 1990s. ACRCS recommends three properties eligible for the National Register of Historic Places. They are: the M & M Drive-In (24GL227), the Prindle House (24GL1096), and the Jackson/Freed Residence (24GL1097). We agree with that recommendation and request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

MASTER FILE COPY

Enclosures

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, Consultant Design Bureau
Bonnie Steg, Resources Section

file: MDT/2004

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
AUG - 1 2003

July 16, 2003

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Josef
MDT
RR-Overpass
Cut Bank

Subject: STPS 213-1(12)0
RR Overpass – Cut Bank
Control No. A158

Enclosed is the cultural resource report, CRABS, and site forms for the above project in Glacier County. Aaberg Cultural Resource Consulting Service (ACRCS) recorded eight historic sites within the designated survey area. They recommend none of them eligible for the National Register of Historic Places. We agree with that recommendation and request your concurrence. The previously recorded Great Northern Railway (24GL191) is eligible for the National Register under Criterion A.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

CONCUR
MONTANA SHPO
DATE 30 Jul 03 SIGNED

Enclosure

cc: Mick Johnson, Great Falls District Administrator
Carl Peil, P.E., Preconstruction Bureau
Bonnie Steg, Resources Section

serving you with pride

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 28, 2005

Mr. Clifford S. (Kip) Coulter, P.E.
David Evans And Associates, Inc.
1331 17th Street Suite 900
Denver, CO 80202

Subject: STPS 213-1(12)0
RR Overpass- Cut Bank
CN: A158

The City of Cut Bank has provided a response and concurrence letter regarding the ownership and public use of Smith Park for the subject project. Enclosed is the letter from MDT addressed to The City of Cut Bank that was returned with their concurrence signature.

Please feel free to contact Mark Studt at 444-9191 if you have any questions.

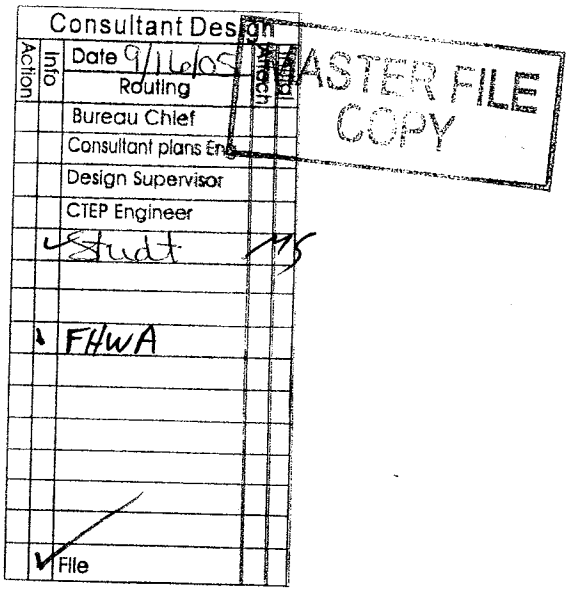
Tim J. Conway, P.E.
Consultant Plans Engineer

TSM:mjs:4158_780C

copies: All w/ attachments
Mick Johnson. – MDT Great Falls District Administrator
Tom S. Martin, P.E. – MDT Consultant Design Engineer
Jean A. Riley, P.E., Environmental Services Bureau Chief
Bob Seliskar P.E., Federal Highway Administration
Consultant Design File

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor



September 15, 2005

Mayor Marion Culleton
City of Cut Bank
113 E. Main Street
Cut Bank, MT 59427

Subject: Significance Determination for 4(f)
RR Overpass – Cut Bank
STPS 213-1(12)0
CN A158

Dear Mayor Culleton,

As you recall, an alignment and grade meeting was held on May 17-18, 2005 with the Montana Department of Transportation, David Evans and Associates, Inc. staff and City staff to review the proposed Preferred Alternative for the Cut Bank Overpass EA project. Portions of the meeting were attended by you and Mr. Jim Suta. During the meeting a discussion took place regarding the current legal and operational status of Smith Park. The purpose of this letter is to clarify that status for documentation in the Environmental Assessment

Previous correspondence regarding Smith Park indicated that the Park receives only occasional use by RV campers, and is sometimes used for overflow parking for agricultural vehicles. Despite this low intensity of use, the park would still be considered a Section 4(f) recreational property if it is publicly owned and designated for recreational use. However, according to Mr. Suta, the City no longer recognizes nor maintains the Smith property as a public park, and public park facilities such as portable toilets have been removed. The actual ownership of the property is also unclear.

The proposed Preferred Alternative for the overpass does not impact or use the Smith Park property as currently designed. However, if the existing sidewalk was improved, or if a slight realignment of Old County Road was determined to be necessary during final design, a minor use of the park may result.

In order to clarify that a Section 4(f) use would not result in the future, MDT and the FHWA request your concurrence that Smith Park is no longer officially designated or maintained by the City of Cut Bank as a public park, and that the property is not considered significant for recreational purposes.

Environmental Services Bureau
Phone: (406) 444-7228
Fax: (406) 444-7245

Engineering Division
TTY: (800) 335-7592
Web Page: www.mdt.mt.gov

STPS 213-1(12)0
RR Overpass – Cut Bank
CN A158

If you agree with these statements, please sign in the spaced provided below, and return this letter to:

Mr. Mark Studt P.E.
Montana Department of Transportation
Consultant Design Project Manager
P.O. Box 201001
Helena, MT 59620-1001

If you have any questions feel free to contact Tom Gocksch at (406) 444-9412.

Tom Hansen, P.E.
Engineering Section Supervisor
Environmental Services Bureau

TLH:tgg: S:\PROJECTS\GREAT-FALLS\A158\A158EN4(f)CSP01.DOC

cc: Tom S. Martin, P.E. – Consultant Design Engineer
Jean A. Riley, P.E. – Chief, Environmental Services Bureau
Mark Studt, P.E. – Consultant Design
File

1) The Smith property is no longer officially designated or maintained by the City of Cut Bank as a public park.

Marion Culleton
Name

Mayor
Title

09/23/05
Date

2) The City of Cut Bank does not consider the Smith property significant for recreational purposes.

Marion Culleton
Name

Mayor
Title

09/23/05
Date

CITY of CUT BANK

221 West Main • (406) 873-5526 • Fax: (406) 873-2455 • Cut Bank, MT 59427

Consultant Design				
Action	Info	Routing	Attach	Initial
		Date 9/26/05		
		Bureau Chief		
		Consultant plans Eng		
		Design Supervisor		
		CTEP Engineer		
		Studt		
		File		

September 23, 2005

2Tom Hansen, P.E.
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Re: Smith Park
:

Dear Mr. Hansen,

Enclosed find the signed form requested concerning the Smith Park.

To date I have been unable to determine legal ownership of the property in question. Because we have found nothing to indicate the City of Cut Bank has ownership or holds a lease of the property the city has abandon responsibility for the use of the land until such time this can be resolved.

Thank you for your inquiry and please let me know if I can be of any further assistance.

Sincerely,

Marion Culleton

Marion Culleton
Mayor

DAVID EVANS
AND ASSOCIATES INC.

April 26, 2004

Dennis Roseleip, School Superintendent
Cut Bank School District #15
101 3rd Avenue SE
Cut Bank, MT 59427

REC'D MAY 1 1 2004

SUBJECT: **CUT BANK OVERPASS, MDT STPS 213-1(12)0 CN A158**
SECTION 4(F) PROPERTY IMPACTS IN PROJECT CORRIDOR
(SOROPTOMIST PARK)

Dear Mr. Roseleip:

As you know, David Evans and Associates is under contract with Montana Department of Transportation to prepare an environmental assessment for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana.

I wrote to you November 12, 2003 requesting information on Section 4(f) parks and recreation facilities that could be affected by the Cut Bank Overpass project. As a follow up to that letter, today's letter asks you to consider potential impacts the project may have on the Section 4(f) properties in the project corridor, particularly Soroptomist Park. Your response will be included in the environmental assessment documentation.

Please review the enclosed description of the project's Preferred Alternative, the discussion of its potential impacts to parks and recreation facilities, and proposed mitigation. A conceptual map of the Preferred Alternative is provided for reference.

We need information on three criteria required for the project's Section 4(f) evaluation:

1) Please let us know if you can determine any proximity impacts from the proposed project that could impair the use of the 4(f) lands for their intended purpose. Proximity impacts may affect noise, air, or water pollution, or changes to wildlife, wildlife habitats, and aesthetic values.
2) As the official with jurisdiction over this non-Federal Section 4(f) land, can you identify any Federal encumbrances to this property? Federal encumbrances could be in the form of right-of-way, land ownership, or easements.
3) Do you concur with our assessment of impacts and proposed mitigation for the Preferred Alternative described in the enclosed description of the project's Preferred Alternative?

If you determine there are no proximity impacts or Federal encumbrances with questions 1) and 2), please sign below. If you concur with our assessment of impacts in question 3), please sign below. Please return this letter to David Evans and Associates, Inc. If you need to provide information for any of the criteria, please attach that information with your response. This correspondence and your responses will be included in the environmental assessment documentation.

Thank you,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

1) We cannot determine any proximity impacts that could impair the use of the Section 4(f) lands for their intended purpose.

Dennis W Roseland
Name
Supt. - Cut Bank Schools
Title
5-7-04
Date

2) We cannot identify any Federal encumbrances to this non-Federal Section 4(f) property.

Dennis W Roseland
Name
Supt - Cut Bank Schools
Title
5-7-04
Date

3) We concur with the assessment of impacts and proposed mitigation to the Soroptomist Park Section 4(f) property.

Dennis W Roseland
Name
Supt - Cut Bank Schools
Title
5-7-04
Date

Copies: Cut Bank Mayor Marion Culleton
jebo; sfd; file
Attachments/Enclosures: Preferred Alternative description and map
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Impacts School.doc

DAVID EVANS
AND ASSOCIATES INC.

April 26, 2004

REC'D MAY 07 2004

Mayor Marion Culleton
City of Cut Bank
113 E. Main Street
Cut Bank, MT 59427

SUBJECT: **CUT BANK OVERPASS, MDT STPS 213-1(12)0 CN A158**
SECTION 4(F) PROPERTY IMPACTS IN PROJECT CORRIDOR
(SMITH PARK AND BUD PARK)

Dear Ms. Culleton:

As you know, David Evans and Associates is under contract with Montana Department of Transportation to prepare an environmental assessment for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana.

I wrote to you November 12, 2003 requesting information on Section 4(f) parks and recreation facilities that could be affected by the Cut Bank Overpass project. As a follow up to that letter, today's letter asks you to consider potential impacts the project may have on the Section 4(f) properties in the project corridor, particularly Smith Park and Bud Park. Your response will be included in the environmental assessment documentation.

Please review the enclosed description of the project's Preferred Alternative, the discussion of its potential impacts to parks and recreation facilities, and proposed mitigation. A conceptual map of the Preferred Alternative is provided for reference.

We need information on three criteria required for the project's Section 4(f) evaluation:

1) Please let us know if you can determine any proximity impacts from the proposed project that could impair the use of the 4(f) lands for their intended purpose. Proximity impacts may affect noise, air, or water pollution, or changes to wildlife, wildlife habitats, and aesthetic values.
2) As the official with jurisdiction over this non-Federal Section 4(f) land, can you identify any Federal encumbrances to this property? Federal encumbrances could be in the form of right-of-way, land ownership, or easements.
3) Do you concur with our assessment of impacts and proposed mitigation for the Preferred Alternative described in the enclosed description of the project's Preferred Alternative?

If you determine there are no proximity impacts or Federal encumbrances with questions 1) and 2), please sign below. If you concur with our assessment of impacts in question 3), please sign below. Please return this letter to David Evans and Associates, Inc. If you need to provide information for any of the criteria, please attach that information with your response. This correspondence and your responses will be included in the environmental assessment documentation.

Thank you,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

1) We cannot determine any proximity impacts that could impair the use of the Section 4(f) lands for their intended purpose.

Marion L. Culleton
Name

Mayor
Title

05/04/04
Date

2) We cannot identify any Federal encumbrances to this non-Federal Section 4(f) property.

Marion L. Culleton
Name

Mayor
Title

05/04/04
Date

3) We concur with the assessment of impacts and proposed mitigation to the Smith Park and Bud Park Section 4(f) properties.

Marion L. Culleton
Name

Mayor
Title

05/04/04
Date

Copies: jebo; sfd; file
Attachments/Enclosures: Preferred Alternative description and map
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Impacts City.doc

Note: The following information was attached to the preceding letters dated April 26, 2004 to Mayor Culleton and Mr. Roseleip. The preferred alternative analyzed in the EA has been modified since that time. Please see Chapter 2 of the EA for a description of the Build (Preferred) Alternative.

CUT BANK OVERPASS

Preferred Alternative

The Preferred Alternative was selected because it met the evaluation criteria. The proposed realignment of S-213 to the Skyland Road corridor, along with the proposed overpass location over the BNSF railroad tracks, would provide the safest, most perpendicular intersection with US 2 in a relatively undeveloped area on the western side of town. The proposed alignment is based on an alignment selected as the preferred alternative in MDT's 1969 study (Alternate 2), that was modified to become Option 1 in the 2000 study.

The Preferred Alternative meets the purpose and need of the project. Based on the evaluation criteria, it would improve safety, provide an uninterrupted travel route across town, minimize or avoid impacts to resources, is a reasonable cost, and would meet MDT design guidelines. Development of the Preferred Alternative for this project considered the features of three different sections of the proposed alignment and review of numerous options. Complete descriptions of the sections and options are located in Appendix A. A summary of the Preferred Alternative is included below.

Summary Description of Preferred Alternative

The Preferred Alternative proposes rerouting S-213 from the existing corridor along Central Avenue to Skyland Road (County Road 462) and to cross over the BNSF railroad tracks at a more western location in the City of Cut Bank (see Figure 1). The proposed overpass would be constructed west of 6th Avenue NW and span the railroad tracks, 1st Street NW and the rear access road to the Albertson's shopping center west of the existing at-grade crossing on Old County Road. The railroad tracks would remain at grade. The new alignment of S-213 would be configured to tie into US 2 at a new location south of the tracks near the 5th Avenue SW intersection. The Preferred Alternative would be designed according to MDT's Secondary Road/Urban Minor Arterial requirements. It would tie into the eastern terminus of MDT's adjacent Cut Bank West project on US 2, and accommodate the reconfiguration of the US 2 (Main Street) and Railroad Street "Y" intersection design established by MDT's Cut Bank West project.

At the southwest beginning point of the Preferred Alternative, the new connection of S-213 to US 2 would feature typical urban cross section characteristics, which include two through-lanes, two shoulders wide enough for bicycle use (1.5 m (5.0 ft)), and curbs, gutters and sidewalks on each side. The alternative would parallel the western side of Old County Road and begin an ascent northward toward the overpass. Old County Road would remain in place to continue serving the BNSF operations, the city's gas valve system, a small park, and approximately two businesses. The rear access road from Albertson's loading dock eastward to Old County Road would be maintained because the access road would be spanned by the proposed S-213 railroad overpass. The existing at-grade railroad crossing on Old County Road would be eliminated and a cul-de-sac would be designed for the end of Old County Road south of the tracks.

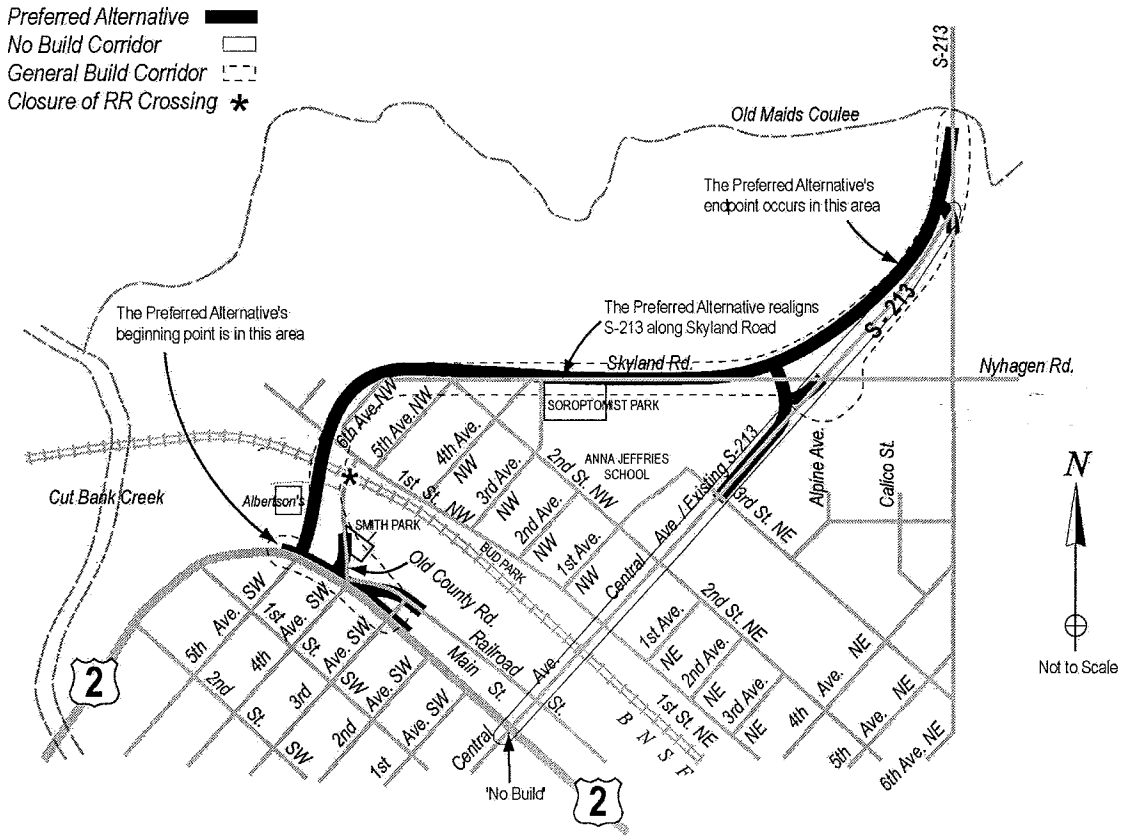
The overpass span and elevated approaches would traverse eastward toward Skyland Road and tie into the alignment somewhat north of the existing Skyland Road centerline. This northerly shift in the alignment would move the roadway slightly away from the adjacent neighborhood for several blocks (from 5th Avenue NW to 3rd Avenue NW) and disconnect the 5th Avenue NW and 2nd Street NW intersections from the proposed S-213. The 5th Avenue NW and 2nd Street NW intersection would remain in place to continue providing circulation and emergency vehicle access in the neighborhood. However, for safety reasons, this intersection would no longer be adjoined to Skyland Road due to its proximity to the curve of the overpass as it ties into Skyland Road. In this area, the alternative would continue to feature typical urban cross section characteristics.

Beginning near 3rd Avenue NW, the proposed S-213 would be aligned with the existing centerline of Skyland Road. The 4th Avenue NW and 3rd Avenue NW intersections with Skyland Road would be improved. A driveway is proposed to access the unpaved parking area of Soroptomist Park; the driveway would feature curbs, gutters and sidewalks. East of the park the road would transition into a typical rural cross section with two through-lanes and shoulders, with variations to the widths of the side slopes along the roadway. Historically, only part of Skyland Road has been paved, west of the Anna Jeffries Elementary School area. The existing gravel road portion of the Skyland Road alignment, from the point where it intersects the existing paved portion, would be fully paved eastward to its alignment with S-213.

Proposed S-213 would proceed eastward along the Skyland Road alignment toward the existing S-213 intersection with Central Avenue and Nyhagen Road. Here, individual access issues in the vicinity of this intersection would be resolved by using or converting portions of the existing highway in this area into driveways or possibly a frontage road to simplify and address the access issues. The proposed alignment would curve northward and transition into a point on existing S-213 south of Old Maids Coulee near RP 1.14.

The existing S-213/ Central Avenue route would revert to the city's jurisdiction. Maintenance would be assumed by the city. The name would remain Central Avenue.

Figure 1. Preferred Alternative



Impacts of Preferred Alternative to Parks and Recreation Facilities

Several parks are located near the proposed project. Soroptomist Park is adjacent to the south side of Skyland Road, and adjacent to the schoolyard north of (behind) the Anna Jeffries Elementary School. Soroptomist Park is owned by the school district. Property lines are not precisely known, but the City of Cut Bank's 2001 Zoning Map shows Soroptomist Park as rectangular parcel contiguous to the Anna Jeffries Elementary School. According to Mayor Marion Culleton (personal communication November 5, 2003), the city and the school district cooperatively maintain Soroptomist Park, although it is owned by the school district. A member of the Jeffries family sold the parcel that the park occupies to the school district in 1948. The park contains an ice skating rink and tennis courts. The Anna Jeffries schoolyard contains a playground near the school and an informal playing field just north of the playground, but the area adjacent to Skyland Road does not feature any formal recreational facilities (personal communication with Cut Bank School District Clerk, April 22, 2004).

City-owned Smith Park, located on Old County Road, and Bud Park, located along 1st Street NW, are adjacent to the BNSF railroad corridor. Smith Park is near the southern terminus of the proposed overpass.

Other public and private outdoor recreation facilities in Cut Bank but outside the project area include a football field, swimming pools, racetrack, fitness/athletic facilities, a nine-hole golf course, and a sports complex with a track, playing field, baseball and softball fields. These are also described in the Social and Community/Economic Impacts section.

View of Skyland Road, looking west toward the Jacobson Addition subdivision. Soroptomist Park is on the left side of the road in the middleground.

IMPACTS

No Build Alternative Impacts. No impacts would occur to Soroptomist Park, the Anna Jeffries schoolyard, Smith Park or Bud Park in the No Build scenario.

Preferred Alternative Impacts. Soroptomist Park's estimated rectangular boundaries contain approximately 0.6 ha (1.6 ac). It is anticipated that the Preferred Alternative right-of-way requirements would impact 0.03 ha (0.09 ac) along the Skyland Road edge of Soroptomist Park. This is 0.05 percent of the park site.

There are presently no curbs, gutters or sidewalks along Skyland Road adjacent to Soroptomist Park. The Preferred Alternative would provide new access control measures to Soroptomist Park in the form of curbs, gutters and sidewalks. A driveway is also proposed to access Soroptomist Park's unpaved parking area and would feature curbs and sidewalks. The Anna Jeffries schoolyard is in the roadway section that would feature the rural cross section characteristics of the Preferred Alternative, including two 3.6 m (12 ft) through lanes and two 2.4 m (8 ft) shoulders (but no curbs, gutters and sidewalks).

The total area for the Anna Jeffries Elementary School and schoolyard measures approximately 8.6 ha (21.3 ac). This measure includes the area to the east of Soroptomist Park. The right-of-

way requirements for this area impact approximately 1.1 ha (2.8 ac). This is a 1.3 percent impact to the school and schoolyard. See Figure 2.4, Preferred Alternative.

Smith Park and Bud Park are not impacted by right-of-way. However, access to Smith Park and Bud Park would be indirectly impacted. This occurs in the form of out-of-direction travel from some points in town due to the closure of the existing Old County Road at-grade crossing over the railroad tracks. No right-of-way acquisition would be necessary.

MITIGATION

Since the preliminary design for the Preferred Alternative results in minor (less than 10 percent) right-of-way impacts to Soroptomist Park and the Anna Jeffries schoolyard, mitigation is not required.

The Preferred Alternative will also improve access to Soroptomist Park. Mitigation for access will not be required.

Closure of the existing Old County Road at-grade crossing indirectly affects access to Smith Park and Bud Park by causing some out-of-direction travel. New directional signage will be installed as mitigation to direct access to Smith Park and Bud Park. No other mitigation is required.

DAVID EVANS
AND ASSOCIATES INC.

December 15, 2003

Ms. Jean Riley
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Subject: **CUT BANK OVERPASS, STPS 213-1(12)0: CN A158**
"Nationwide" Section 4(f) Evaluation and 6(f) Evaluation

Dear Ms. Riley:

David Evans and Associates (DEA) has completed research on three parks in the project study area that could be affected by the Cut Bank Overpass project:

1. Soroptomist Park (owned by the school district)
2. Smith Park (owned by the City)
3. Bud Park (owned by the City)

Via letters and telephone conversations with Cut Bank School Superintendent Dennis Roseleip and Mayor Marion Culleton, each has stated that the parks in question are not significant to the city's overall parks and recreation system. They also acknowledge they have no records whether the parks were purchased or improved with Land & Water Conservation Funds. Copies of these letters and telephone records are enclosed.

Based on this information, we conclude that these properties are not Section 4(f) or Section 6(f) resources. Therefore, no further evaluation is needed, as will be stated in the EA.

Please let us know if you wish to discuss the issue.

Sincerely,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

Copies: Mick Johnson, Mark Studt; Kip Coulter, Jane Boand; File
Attachments/Enclosures: (as listed above)
Initials: sfd
File name:P:\MDOT0000-0015 Cut Bank\ADMIN\Letters\Riley 4(f)_121503.doc

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

TELEPHONE RECORD

DATE:	December 5, 2003
CALL TO:	Cut Bank School Superintendent Dennis Roseleip
FROM:	Saundra Dowling
SUBJECT:	**4(f) and/or 6(f) property in Cut Bank Overpass project corridor**
PROJECT:	Cut Bank Overpass EA
PROJECT NO:	STPS213-1(12)0 CN A158 (MDOT0000-0015)
COPIES:	Kip Coulter, Jane Boand, MDT

Saundra Dowling sent a letter to School Superintendent Dennis Roseleip dated November 12, 2003, inquiring about Soroptomist Park in Cut Bank. This park is owned by the school district. Soroptomist Park is adjacent to the south side of Skyland Road and adjoins the school grounds of Anna Jeffries School. The letter contained two questions: 1) Whether the city considered the park significant to the city's overall park system (to determine if a Section 4(f) evaluation is needed); and 2) Whether the park had been purchased or improved with Land & Water Conservation Funds (LWCF) (Section 6(f) funds).

As a follow up to the November 12th letter, Ms. Dowling phoned the superintendent. The conversation is summarized here:

"Soroptomist Park is hardly significant at all. The ice rink is rarely used and the school district has (tentative) plans to replace or possibly remove the tennis courts, which are hardly used. We have no records of the use of Land & Water Conservation Funds for this park."

Superintendent Dennis Roseleip

Attachments/Enclosures:
Initials: sfd
File Name: Roseleip_120503

1331 17th Street, Suite 900 Denver Colorado 80202 Phone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

REC'D DEC 09 2003

November 12, 2003

Dennis Roseleip, School Superintendent
Cut Bank School District #15
101 3rd Avenue SE
Cut Bank, MT 59427

SUBJECT: **CUT BANK OVERPASS EA, MDT STPS 213-1(12)0 CN A158**
Section 4(f) and/or 6(f) Property in Project Corridor

Dear Mr. Roseleip:

I am writing to request your assistance in providing public land information for an Environmental Assessment (EA) being prepared by the Montana Department of Transportation. This EA for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana. Under 49 U.S.C.303 (Section 4(f)), the EA must evaluate impacts to parks and recreation areas, wildlife and waterfowl refuges and historic sites that are considered significant by the agency with jurisdiction over the land. For purposes of Section 4(f), significance means that in comparing the availability and function of the recreation, park, wildlife and waterfowl refuges with the recreational, park and refuge objectives of the community, the land in question plays an important role in meeting these objectives.

4(f) and 6(f) Explanation
Section 4(f) regulations require MDT to evaluate all public lands potentially impacted by this highway project. It also specifies that all plans and programs include measures to maintain or enhance the natural beauty of any public lands traversed. Under this regulation MDT is required to identify and evaluate potential impacts to these properties and to identify alternatives that avoid or minimize effects on these public lands.

Section 4(f) regulations may apply to publicly-owned or jurisdictional lands defined and utilized as parks, wildlife refuges or preserves, nationally or locally significant historic places, or recreation areas such as camp grounds, public playgrounds, picnic areas, etc.

Section 6(f) applies where matching monies from the National Land and Water Conservation Fund (LWCF) have been used for enhancements or purchase of public land (16 U.S.C. 4601-4). All 6(f) land taken by MDT would need to be replaced on a one-for-one acreage basis with a nearby comparable (or better) parcel of land both in use and dollar value.

The Preferred Alternative for the Cut Bank Overpass Project proposes to reroute S-213 along Skyland Road (County Road 462). As proposed, rerouting S-213 along Skyland Road may impact the Soroptomist Park property.

We need two responses from you on this matter:
1) Please respond with a determination of whether or not the Soroptomist Park is considered significant to the City's overall park system. NOT Significant as two larger parks elsewhere are used

2) Please advise if Land & Water Conservation Funds (Section 6(f) funds) were used for the acquisition of, or improvements to, Soroptomist Park. If no LWCF federal funds have been used, a concurring signature at the bottom of this letter would conclude this query. Dwl

Thank you for your information.

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

Sincerely,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

We acknowledge that no LWCF Section 6(f) funds have been used for the acquisition of, or improvements to the Soroptomist Park site.

"To the best of our knowledge at this time" DWR

Name

Superintendent
Title

12-5-03
Date

Copies: Cut Bank Mayor Marion Culleton
jebo; sfd; file

Attachments/Enclosures: none
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Funds School.doc

Additional note for Question #1.
Soroptimist Park and nearby skating rink area (ice) are rarely used at any time. - DWR

1.

DAVID EVANS
AND ASSOCIATES INC.

TELEPHONE RECORD

DATE:	December 3, 2003
CALL TO:	Cut Bank Mayor Marion Culleton
FROM:	Saundra Dowling
SUBJECT:	**4(f) and/or 6(f) property in Cut Bank Overpass project corridor**
PROJECT:	Cut Bank Overpass EA
PROJECT NO:	STPS213-1(12)0 CN A158 (MDOT0000-0015)
COPIES:	Kip Coulter, Jane Boand, MDT

Saundra Dowling sent a letter to Mayor Culleton dated November 12, 2003, inquiring about two city parks in Cut Bank – Smith Park and Bud Park. The letter contained two questions: 1) Whether the city considered these two parks significant to the city's overall park system (to determine if a Section 4(f) evaluation is needed); and 2) Had either park been purchased or improved with Land & Water Conservation Funds (LWCF) (Section 6(f) funds).

The city returned the letter acknowledging they had no records of the use of LWCF funds. However, the Mayor did not provide a statement of the significance of the parks. As a follow up, Ms. Dowling phoned the mayor. The conversation is summarized here:

"These two parks are not extremely important to the city now. By virtue of their development by the community in years past they have held some importance. The city has no written records of how or when these parks became a part of city property, or if money was involved. No city council meeting minutes disclose an exchange, but oral history by long-time residents indicate both Smith Park and Bud Park were originally owned by the Great Northern Railway. Bud Park is said to have been given by Great Northern to the Soroptomists, who later gave it to the city. Bud Park is significant only as an early form of landscape beautification along the railroad corridor (Bud Park parallels the north side of the tracks along 1st Street NW). Smith Park, south of the tracks and adjacent to the east side of Old County Road, is only occasionally used now by one or two RV campers at a time, and sometimes provides overflow parking space for agricultural vehicles."

Mayor Marion Culleton

Attachments/Enclosures:
Initials: sfd
File Name: Culleton_120303

1331 17th Street, Suite 900 Denver Colorado 80202 Phone: 720.946.0969 Facsimile: 720.946.0973

DAVID EVANS
AND ASSOCIATES INC.

November 12, 2003

Mayor Marion Culleton
City of Cut Bank
113 E. Main Street
Cut Bank, MT 59427

SUBJECT: **CUT BANK OVERPASS EA, MDT STPS 213-1(12)0 CN A158**
4(f) and/or 6(f) Property in Project Corridor

Dear Ms. Culleton:

I am writing to request your assistance in providing public land information for an Environmental Assessment (EA) being prepared by the Montana Department of Transportation. This EA for the construction of a grade separation of S-213 from the Burlington Northern Santa Fe (BNSF) railroad tracks in Cut Bank, Glacier County, Montana. Under 49 U.S.C.303 (Section 4(f)), the EA must evaluate impacts to parks and recreation areas, wildlife and waterfowl refuges and historic sites that are considered significant by the agency with jurisdiction over the land. For purposes of Section 4(f), significance means that in comparing the availability and function of the recreation, park, wildlife and waterfowl refuges with the recreational, park and refuge objectives of the community, the land in question plays an important role in meeting these objectives.

4(f) and 6(f) Explanation
Section 4(f) regulations require MDT to evaluate all public lands potentially impacted by this highway project. It also specifies that all plans and programs include measures to maintain or enhance the natural beauty of any public lands traversed. Under this regulation MDT is required to identify and evaluate potential impacts to these properties and to identify alternatives that avoid or minimize effects on these public lands.

Section 4(f) regulations may apply to publicly-owned or jurisdictional lands defined and utilized as parks, wildlife refuges or preserves, nationally or locally significant historic places, or recreation areas such as camp grounds, public playgrounds, picnic areas, etc.

Section 6(f) applies where matching monies from the National Land and Water Conservation Fund (LWCF) have been used for enhancements or purchase of public land (16 U.S.C. 4601-4). All 6(f) land taken by MDT would need to be replaced on a one-for-one acreage basis with a nearby comparable (or better) parcel of land both in use and dollar value.

The Preferred Alternative for the Cut Bank Overpass Project proposes to reroute S-213 along Skyland Road (County Road 462). As proposed, rerouting S-213 along Skyland Road may indirectly impact access to the Smith Park and Bud Park properties.

We need two responses from you on this matter:
1) Please respond with a determination of whether or not Smith Park and Bud Park are considered significant to the City's overall park system.

2) Please advise if Land & Water Conservation Funds (Section 6(f) funds) were used for the acquisition of, or improvements to, Smith Park or Bud Park. If no LWCF federal funds have been used, a concurring signature at the bottom of this letter would conclude this query.

Thank you for your information.

1331 17th Street Suite 900 Denver Colorado 80202 Telephone: 720.946.0969 Facsimile: 720.946.0973

Sincerely,
DAVID EVANS AND ASSOCIATES, INC.

Saundra Dowling

Saundra Dowling
Project Planner and Administrator

To the best of my knowledge I respond with my signature acknowledging in the negative.

We acknowledge that no LWCF Section 6(f) funds have been used for the acquisition of, or improvements to the Smith Park site.

Name

Title

11/26/03
Date

We acknowledge that no LWCF Section 6(f) funds have been used for the acquisition of, or improvements to the Bud Park site.

Name

Title

11/26/03
Date

Copies: jebo; sfd; file
Attachments/Enclosures: none
Initials: sfd
File Name: P:\MDOT0015\Admin\Letters\4(f)Funds City.doc